

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

TUESDAY, APRIL 5, 2016 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR MARCH 15, 2016.

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

**3.01 GLG PROPERTIES (GERTENS) – CASE NO. 16-05PDP (tabled until April 19)**

Consider the following requests for property located at 2910 54<sup>th</sup> Street:

a) A **Comprehensive Plan Amendment** to change the future land use designation from LDR, Low Density Residential to RC, Regional Commercial.

Planning Commission Action \_\_\_\_\_

b) A **Planned Unit Development Amendment** to allow for the growing field expansion.

Planning Commission Action \_\_\_\_\_

c) An **Amendment to Ordinance #1230** by rezoning Parcel G to Commercial Planned Unit Development District and to change the site plan and allowed uses for the addition of the added growing field.

Planning Commission Action \_\_\_\_\_

**3.02 TOP RESTAURANTS (123 PASTA) - CASE NO.16-07V**

Consider a **Variance** from the minimum parking requirements to open a sit down restaurant at the property located at 6508 Cahill Avenue.

Planning Commission Action \_\_\_\_\_

**3.03 NORTH AMERICAN TRAILER – CASE NO. 16-09C**

Consider a **Conditional Use Permit** to allow the service of semi tanks, trucks, and trailers located at 10974 Clark Road.

Planning Commission Action \_\_\_\_\_

**3.04 CITY OF INVER GROVE HEIGHTS – CASE NO. 16-08ZA**

Consider an **Ordinance Amendment** relating to parking of recreational vehicles in the front yard in single-family residential districts.

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](mailto:kfox@invergroveheights.org)

## PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

Tuesday, March 15, 2016 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Dennis Wippermann  
Elizabeth Niemioja  
Bill Klein  
Pat Simon  
Joan Robertson  
Annette Maggi  
Tony Scales  
Harold Gooch

Commissioners Absent: Armando Lissarrague (excused)

Others Present: Allan Hunting, City Planner  
Heather Botten, Associate Planner  
Tim Kuntz, City Attorney

### **APPROVAL OF MINUTES**

The minutes from the February 16, 2016 Planning Commission meeting were approved as submitted.

### **WAKOTA STORAGE – CASE NO. 16-04C**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow a mini-storage facility on the B-3 zoned property located at the southwest corner of 50<sup>th</sup> Street and Blaine Avenue. 6 notices were mailed.

Ms. Botten advised that this item has been tabled to the April 5 Planning Commission meeting.

### **OTHER BUSINESS**

Chair Maggi advised that the Environmental Commission has been invited to join this meeting to hear the presentation regarding the Open Meeting Law. She invited the members in attendance to introduce themselves.

Environmental Commission Members Jesse Fillmore, Sarah Brass, Susan Burke, and Paul Heidenreich introduced themselves.

### **Presentation and Discussion with City Attorney Tim Kuntz regarding the Open Meeting Law**

Tim Kuntz, City Attorney, summarized the Open Meeting Law, stating it requires that all city board, commission, and council meetings be open. This prohibits public actions from being taken at secret meetings and requires that meetings be noticed. The term 'open' essentially means proper notice is given to inform the public of when regular and special meetings are taking place. Regular meetings are designated on the schedule that is filed in City Hall. Special meetings, which occur outside those designated regular meeting times, require that notice be either published, posted on the principle bulletin board, or posted at the door of the meeting place at least three days in advance of the meeting. Such notice must include the date, time, location, and subject matter to be discussed; only the listed subject matter can be discussed at that meeting. Mr. Kuntz advised that a meeting, for purposes of the open meeting law, is a gathering of a quorum of the body where

issues relating to official business are discussed, information is received, or action is taken. He advised that most violations of this law are inadvertent, such as when commissioners stay after a meeting and end up talking in the parking lot, when commissioners gather before a meeting, or when commissioners are invited to meet at a property in regard to a city issue. If a quorum is present someone should leave so as to avoid an open meeting law violation. Councilmembers are allowed to attend a planning commission meeting without notice of a council meeting if the councilmembers just observe and do not participate. The same type of problem can arise by email. Therefore the suggested protocol for communicating via email to other members of the commission is to send the information to a staff member, who will rebroadcast it to the others and thereby remove the opportunity for other members to 'reply to all'. An inadvertent violation can also arise in a serial meeting in which someone meets with commissioners one at a time and it adds up to a quorum. Mr. Kuntz advised there are some exceptions, including that meetings can be closed to discuss information that is not public.

Commissioner Klein stated he had never seen a closed door session of the Planning Commission.

Mr. Kuntz agreed that most of the exceptions did not apply to the Planning Commission.

Commissioner Niemioja asked for clarification that a quorum of a commission would be acceptable if they were not discussing city business and it was purely a social gathering; she noted the upcoming commissioner appreciation dinner.

Mr. Kuntz replied in the affirmative, but stated because of the awareness by the public of the Open Meeting Law most organizations did not engage in social occasions of quorums.

Commissioner Klein asked about funerals.

Mr. Kuntz did not feel funeral attendance would be a violation as it was unlikely city business would be discussed.

Commissioner Gooch asked if the Open Meeting Law applied to State and Federal legislators.

Mr. Kuntz replied it did not.

Environmental Commissioner Fillmore asked for clarification on the use of social media in regard to the Open Meeting Law.

Mr. Kuntz replied that a recent law states that the use of social media by members of a public body does not violate this chapter so long as the media use is limited to exchanges with all members of the general public. This statute pertains to blogs, Facebook, etc. but not to email.

Environmental Commissioner Burke asked if the Open Meeting Law pertained only to the State of Minnesota or to all states throughout the country.

Mr. Kuntz replied it was a state law; however, most states have a similar law.

The meeting was adjourned by unanimous vote at 7:51 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

M E M O

CITY OF INVER GROVE HEIGHTS

TO: Planning Commission

FROM: Allan Hunting, City Planner

DATE: April 1, 2016

SUBJECT: GLG PROPERTIES (GERTENS) – CASE NO. 16-05PDP

The applicant has requested this item be tabled to the April 19<sup>th</sup> meeting. The applicant is continuing to work on the storm water management plans and they were not completed in time for the City Engineer to review before the April 5<sup>th</sup> date.

The public hearing notice should be read and the hearing opened. The hearing should then be continued until April 19<sup>th</sup>.

# PLANNING REPORT CITY OF INVER GROVE HEIGHTS

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**REPORT DATE:** March 29, 2016                      **CASE NO.:** 16-07V  
**HEARING DATE:** April 5, 2016  
**APPLICANT:** Top Restaurants, LLC (1.2.3. Pasta)  
**PROPERTY OWNER:** Cahill Road Partners  
**REQUEST:** A variance from the number of parking stalls required  
**LOCATION:** 6508 Cahill Avenue  
**COMP PLAN:** CC, Community Commercial  
**ZONING:** B-3, General Business  
**REVIEWING DIVISIONS:** Planning                      **PREPARED BY:** Heather Botten  
Associate Planner 

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## **BACKGROUND**

The applicant is proposing to open a sit-down Italian restaurant at the old Pizza Man location, next to Cahill Diner. The proposed restaurant would have 40 customer seats. During building permit review it was discovered that the property is at maximum capacity for the minimum required parking spaces based on the current business mix. Approval of an additional a sit-down restaurant would require a variance.

The site was approved for an auto parts store and retail development in January 2004. At that time it was noted in the planning staff report that 23 of the 39 spaces were allocated for the auto parts store with the remaining spaces left for retail uses. In July 2004, the middle tenant received approval for a conditional use permit to allow a fast food restaurant, which later was converted to Cahill Diner. Based on seating capacity, the Diner requires 16 parking spaces. In September 2004, Pizza Man was approved for the last tenant space. It was noted on the building permit for Pizza Man that the restaurant would be allowed as *restaurant to be pick-up only, no seating* as parking requirements would not be met.

Per city code requirements, the site is at maximum capacity for parking based on the current uses of the building (retail and restaurant). Including the proposed restaurant the property is short 13 parking spaces. The original approval was for an auto parts store and retail development. Generally speaking, retail uses generate less peak traffic than a restaurant and customers stay for a shorter period of time. A change of use (sit down restaurant verses a

delivery type of restaurant) requires a variance approval or a joint parking agreement with a neighboring business. The latter was suggested to the applicant to avoid the variance process.

As mentioned, the code allows off site joint parking within 100 feet of the property. The proposed restaurant building is located directly north of Village Square Center; Aldi is located in the northern most building of the Village Square complex. The Village Square parking lot sits adjacent to the restaurant building location. The applicant contacted the property owner of Village Square, Gator Investments, and was told they were not interested in a shared parking/overflow agreement with the applicant as they did not want to impact their own tenants.

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

- North- Commercial business; zoned B-2, Neighborhood Business; guided CC, Community Commercial
- East - Auto service/ commercial businesses; zoned B-3, General Business; guided CC, Community Commercial
- West - Retail/fast food restaurant; zoned B-2, Neighborhood Business; guided CC, Community Commercial
- South - Aldi/Village Square; zoned B-4, Shopping Center, guided CC, Community Commercial

### **SPECIFIC REQUEST**

The following specific application is being requested:

- 1) A variance from the minimum parking requirements to allow a sit-down restaurant .

Based on the existing uses, the site is at maximum capacity for parking. City code requires one parking space for every three seats based on seating capacity for restaurant use. The applicant is proposing 40 customer seats, which requires 13 parking spaces for that specific business.

The zoning ordinance typically requires all uses to have a minimum number of parking spaces, depending on the use and size. A purpose of parking requirements is to avoid conflicts among business and property owners. Each business must provide enough parking for their own customers. If there is inadequate parking, customers are likely to park on other nearby properties, using other business' customer parking. Another purpose of the parking requirement is to assure the vitality of the business neighborhood. If there is inadequate parking, customers are inconvenienced and are less likely to visit business neighborhoods.

Staff believes the biggest traffic impact for this development would be around the noon hour when all three businesses would be open. Staff has visited the site over the lunch hour six times throughout the past couple weeks and parking spaces were always available; albeit this was a small sample of monitoring traffic during peak times. In this specific circumstance, the amount of parking allocated for the auto sales store could be greater than the actual need. The proposed restaurant has different peak times than the other two businesses which is discussed later in this

report. A sit down restaurant would be a good addition to the mix of retail in the neighborhood, could bring more customers into the neighborhood, and hence could increase the vitality of the commercial neighborhood.

#### ENGINEERING REVIEW

No additional impervious surface would be added to the property. The City Engineering Department has reviewed the plans and has no issues with the proposed request.

#### BUILDING AND FIRE REVIEW

The inspections department and fire marshal would review the application during the building permit review for building and fire code requirements.

#### **EVALUATION OF REQUEST:**

City Code Title 10, Chapter 3. **Variances**, states that the City Council may grant variances when they are in harmony with the general purposes and intent of the zoning ordinance and consistent with the comprehensive plan and establishes that there are practical difficulties in complying with the official control. In order to grant the requested variances, City Code identifies criteria which are to be considered practical difficulties. The applicant's request is reviewed below against those criteria.

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

The comprehensive plan guides the property for community commercial which would allow for this use. The general purpose of the city code is to allow for restaurant, retail and service type uses in commercial districts. A sit down restaurant would be a good addition to the mix of retail in the neighborhood and may increase the vitality of the Cahill commercial district. This request appears consistent with the intent of the city code and consistent with the comprehensive plan.

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

Cahill Diner is busiest during breakfast and lunch hours (currently they are not open for dinner) and the applicant has stated their peak time would be during the dinner/night hours.

Staff does not believe the auto parts store has traditional peak demands and their customers may be more consistent throughout the day which would not pose a conflict during the peak demand times of the restaurants. Based on staff observations of parking for the auto parts store, the minimum parking requirements of the code may be more than the actual need in this instance.

The addition of a sit down restaurant is consistent with allowing the property to be used in a reasonable manner not outside the intent of the regulations.

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

The standards set forth in the zoning code may not fit all possibilities. The site was approved for an auto parts store and general retail. In this case, the auto parts store may be "over parked" and the actual need for parking is not as great as the code requires. The site is unique in that the tenants have different peak hours allowing parking spaces to be available throughout the day for their individual customers.

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

Staff is concerned about the impact to abutting businesses if parking becomes a problem. The purpose of parking requirements is to supply customers and businesses adequate off street parking facilities. If there is inadequate parking, customers are likely to park on other nearby properties, using other business' customer parking.

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

Economic considerations do appear to be a basis for this request. The site was approved for general retail; the market is not conducive to this type of use and is more favorable to a restaurant type of use.

## **ALTERNATIVES**

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

**A. Approval** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:

- Approval of the **Variance** from the minimum parking requirements to allow a sit down restaurant.

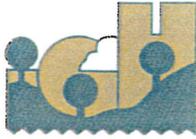
**B. Denial** If the Planning Commission does not favor the proposed request, it should be recommended for denial and state findings for a denial.

## **RECOMMENDATION**

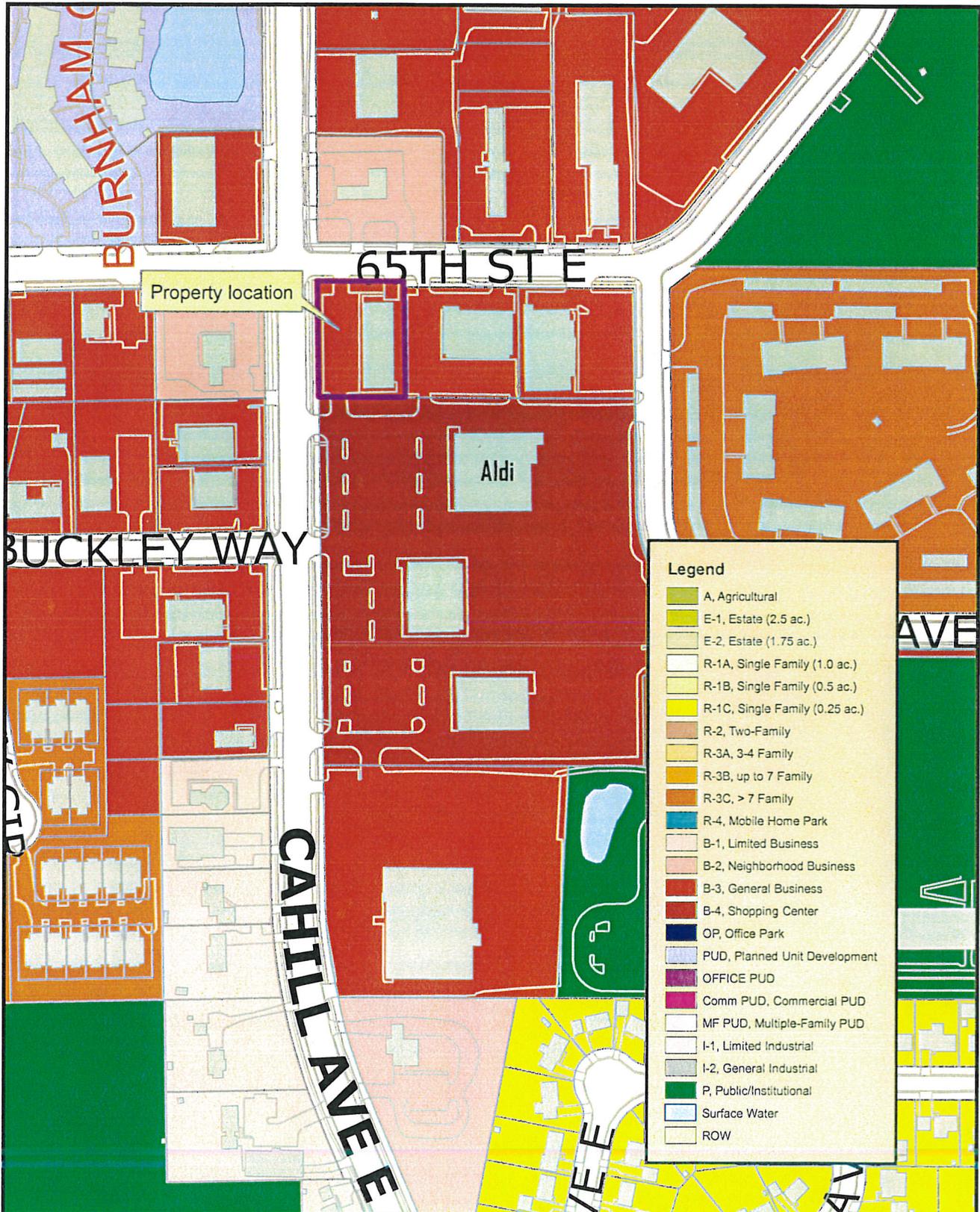
Staff believes a practical difficulty can be found in the strict regulation of the zoning code as the standards set forth in the parking regulations may not fit all possibilities. The site was approved for an auto parts store and general retail. In this case, the auto parts store may be "over parked" and the actual need for parking is not as great as the code requires. The site is unique in that the tenants have different peak hours allowing parking spaces to be available throughout the day for their individual customers. Providing that there are no objections from surrounding businesses about restaurant patrons using other business' customer parking, staff recommends approval of the parking variance as presented.

Attachments: Exhibit A - Location/Zoning Map  
Exhibit B - Applicant Narrative

Map not to scale



# Top Restaurants Case No. 16-07V



This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is to be used for reference purpose only. The City of IGH is not responsible for any inaccuracies herein contained.

**Exhibit A**  
**Zoning and Location Map**

We are requesting a 12 spot parking variance for our restaurant 1.2.3. Pasta located at 6508 Cahill Avenue. The restaurant is located next to the Cahill Diner and the NAPA Auto Parts store. The restaurant is dine in or take out and has a seating capacity of 40. The parking lot has a minimum of 36 parking spots for the three businesses. The Cahill Diner is only open for breakfast and lunch and 1.2.3. Pasta would be open for lunch and dinner. The only time parking may be limited is during the lunch hour while both restaurants are open. The auto parts store customers are usually in and out so the parking situation should not normally impact them. We feel this variance should be granted so we can move forward and bring new business to Inver Grove Heights. Thank you for your consideration.

Antonio Tettamanzi- Owner  
Luca Taretto - Owner

Exhibit B .

**P L A N N I N G    R E P O R T**  
**C I T Y   O F   I N V E R   G R O V E   H E I G H T S**

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**REPORT DATE:** March 29, 2016

**CASE NO:** 16-09C

**APPLICANT:** North American Trailer

**PROPERTY OWNER:** WIPI, LLC

**REQUEST:** Conditional Use Permit

**HEARING DATE:** April 5, 2016

**LOCATION:** 10974 Clark Road

**COMPREHENSIVE PLAN:** General Industrial

**ZONING:** I-2, General Industry and IRM, Integrated Resource Management Overlay District

**REVIEWING DIVISIONS:** Planning

**PREPARED BY:** Heather Botten  
Associate Planner



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**BACKGROUND**

North American Trailer, which currently operates at 7655 Concord Boulevard, is moving their operation to a lot on the west side of Clark Road in the southern end of the city. The company is a semi-truck and trailer repair center, retail parts distributor and trailer dealer. They recently received approval to construct a new 82,000 square foot facility which would be a 24 hour operating facility.

The applicant is in need of temporary space to operate a portion of their business until the new building is complete. The service of semi tanks, trucks and trailers, including equipment, parts and tires is a conditional use in the I-2 zoning district. Even though the applicant is stating they will be in the proposed location on a temporary basis, city code does not allow temporary uses to be outright permitted. The property on which the applicant is planning to use received a conditional use permit for a contractors yard and outdoor storage associated with an office/warehouse building in 2015. The proposed CUP would be for the service of semi tanks, trucks and trailers which would be done inside the building. The proposed use would be located in an existing building. There is currently one tenant leasing space on the northern portion of the building; North American Trailer would operate out of the remainder of the building until their new building is complete. If approved, the conditional use permit would stay with the property even when the applicant moves out.

The specific requests consist of the following:

- a) A Conditional Use Permit for the service of semi tanks, trucks and trailers, including equipment, parts and tires in the I-2 zoning district.

### **EVALUATION OF THE REQUEST**

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

North - Surelock Storage; zoned I-2; guided GI, General Industrial

East - Residential; zoned A; guided GI

West - Industrial; zoned I-2; guided GI

South - Trucking operation; zoned I-2; guided GI

### **SITE PLAN REVIEW**

Access. Access to the site would be via two entrances onto Clark Road.

#### Engineering.

No additional impervious surface would be added to the property. The City Engineering Department has reviewed the plans and has no issues with the proposed request.

Signage. No details have been provided for signage. All signs for the site, including wall and pylon, require a separate sign permit and shall conform to the sign size requirements of the I-2 zoning district.

### **GENERAL CONDITIONAL USE PERMIT REVIEW**

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

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

This criterion is met. The Comprehensive Plan recognizes the proposed area as Industrial. The service of semi tanks, trucks, and trailers is consistent with uses in the industrial area and with the long range plan for the area.

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

The proposed use of semi-truck and trailer repair is a conditional use in the I-2 district. With approval of the CUP, the request would be consistent with the zoning requirements.

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

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

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

The site is served by city sewer and water and public streets. The intent of this area of the City is for heavier industrial development. This use would not have any negative impacts to the area.

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

- i. Aesthetics/exterior appearance*

No exterior changes are being proposed to the property.

- ii. Noise*

Staff is not anticipating any noise concerns with the residential properties to the east as the truck repair would be done inside the building.

- iii. Fencing, landscaping and buffering*

No changes are being proposed to the landscaping or screening.

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

Semi-truck and trailer repair is appropriate for industrial uses. The request complies with performance standards.

Emergency access would have to be approved by the fire marshal.

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

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

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

The proposed use would not have any direct impacts on the environment. No additional impervious surface would be added to the site.

## **ALTERNATIVES**

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

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

1. The site shall be developed in substantial conformance with the plans on file with the Inspections Department except as may be modified by the conditions below.
2. All plans shall be subject to the review and approval of the City Fire Marshal and Chief Building Official.
3. The City Code Enforcement Officer, or other designee, shall be granted right of access to the property at all reasonable times to ensure compliance with the conditions of this permit.
4. All signs for the site require a separate sign permit and shall conform to the sign requirements of the I-2 zoning district.

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

**RECOMMENDATION**

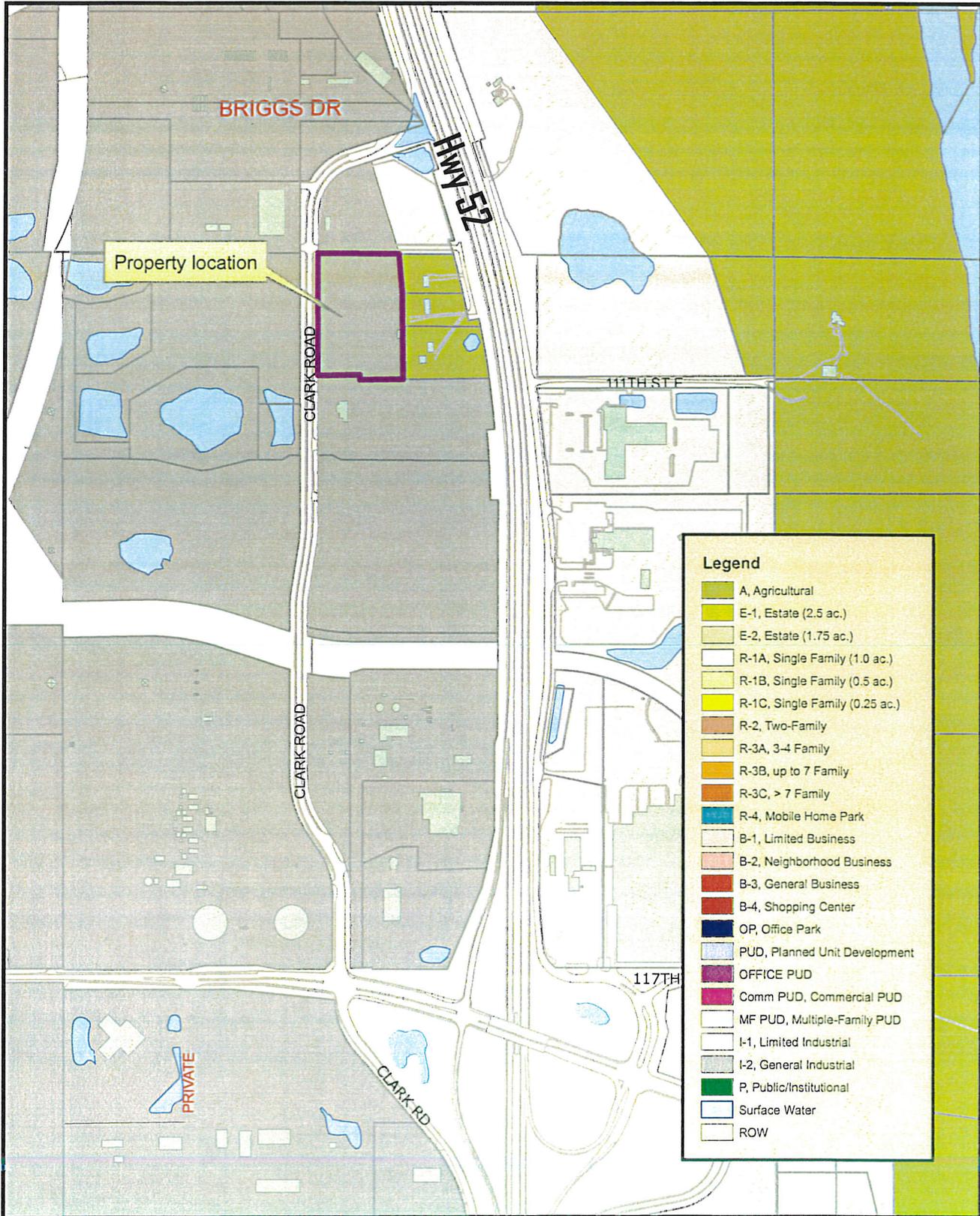
Based on the preceding report, Staff recommends **approval** of the request with the conditions listed in Alternative A.

Attachments: Location Map  
Applicant Narrative

Map not to scale



# North American Trailer Case No. 16-09C



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**Exhibit A**  
**Zoning and Location Map**

## Heather Botten

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**From:** Dean Dally [ddally@blainebrothers.com]  
**Sent:** Tuesday, March 15, 2016 5:34 PM  
**To:** Heather Botten  
**Cc:** Spencer Dally  
**Subject:** Signed CUP application  
**Attachments:** DOC031516.pdf

Hello Heather,

The properly completed CUP form is attached. Sorry about that.

The leased { Watrud } Clark Road property will be used as a temporary truck and trailer repair shop as we await the opening of our new facility across the street at 11015 Clark Road. The Truck repair will consist of everything from Annual Vehicle Inspections, Suspension and Drivetrain issues to Electrical problems. The Trailer repair will consist of everything from Suspension repairs to Lighting issues and Panel Replacement when damaged. All equipment is being parked at the Halvor Lines facility located just south of the leased building so we will **not** have trucks and trailers parked along the east property line.

I will ask our people to put a check in the mail tomorrow { Wednesday }. Please call or e-mail if you have any questions or if you need additional information.

Dean Dally  
Blaine Brothers, Inc.  
Phone: 763-780-5130  
Toll Free: 800-833-3257

[blainebrothers.com](http://blainebrothers.com)

**Blaine  
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# PLANNING REPORT CITY OF INVER GROVE HEIGHTS

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**REPORT DATE:** March 30, 2016                      **CASE NO.:** 16-08ZA

**HEARING DATE:** April 5, 2016

**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                      **PREPARED BY:** Allan Hunting  
Code Enforcement    City Planner

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## **BACKGROUND**

City Council asked staff to review the recently approved front yard parking ordinance to look at how it regulated recreational vehicles in the front yard. The ordinance currently allows parking of both automobiles and recreational vehicles on either the driveway or on parking pads in the front yard. Council discussed further defining the ordinance to allow recreational vehicle parking in the front yard only on a driveway.

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 revisions to the ordinance are to address:

1. Recreational vehicles to be allowed only on a driveway in the front yard and not on parking pads in all R-1 zoning districts.
2. Specifically within the R-1C district, a maximum of two recreational vehicles are allowed on the driveway.

## **ANALYSIS**

Staff has prepared an ordinance amendment to address Council's direction. The ordinance does the following:

1. Allows parking of recreational vehicles only on a driveway in the front yard in the R-1A, R-1B, R-1C and R-2 districts. No recreational vehicle parking on parking pads.
2. Specifically within the R-1C district, a maximum of two recreational vehicles are allowed on the driveway in the front yard.

3. This change would be retroactive and all properties would be required to comply with the new regulations. Existing pads in front yards used for parking of recreational vehicles would not be "grandfathered in".
4. Further defines the "front yard" for the purpose of this ordinance to define where to measure from the house to the street.
5. Added a definition of "vehicle".
6. Parking of vehicles and recreational vehicles are allowed anywhere in the side or rear yards as long as they meet setbacks. Vehicles may be parked on grass or hard surface.
7. Automobiles may continue to be parked on parking pads in the front yard.

### **ISSUES.**

If the ordinance is amended to reflect the new changes, there are many driveways in the city that would not conform to the new requirements. When the ordinance was adopted in November, 2014, any driveway not in compliance would be required to conform to the new regulations. There were no "grandfathering" arrangements in the previous ordinance. Staff was made aware that residents, over the years, have created additional parking pads in the front yard and next to the driveway particularly in the older sections of the city where homes have only a one-car garage. Staff has included an aerial photo of one area of the city where there are numerous single car garages with single width driveways. Parking pads have been created in the front yard to park vehicles off to the side of the driveway. Planning Commission and Council need to state how they want these situations addressed.

Since this proposed amendment significantly changes the ordinance adopted in 2014, an article was published in the last issue of Insights and put on the website. Residents were encouraged to submit comments regarding the change. A total of 18 e-mails have been received up to the writing of this report. To date, more responses have been towards enacting some restrictions on parking of recreational vehicles in the front yard. A couple of residents raise the issue of creating problems for older parts of the city where the homes have only a single car garage and single lane driveway. Limiting parking to only on the driveway has the potential to impact these homes more than those with 2 or 3 car garages with wider driveways.

### **ALTERNATIVES**

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

- A. Recommend amending the Ordinance section 10-15A-3(B) by adding the regulations allowing parking of recreational vehicles only on driveways in the front yard and that within the R-1C district, a maximum of two recreational vehicles may be parked on the driveway.
- B. Recommend no change to the ordinance.

Attachments: Draft Ordinance Amendment  
Aerial Map Example of Various Driveway and Parking Pad Arrangements  
Illustration of "Front Yard" Definition  
Resident Response E-mails

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 (E and R)

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

**Section One. Amendment.** Title 10, Chapter 15, Section 10-15A-3(B)(1&2)  
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 and recreational 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. Subject to the restrictions and prohibitions contained in this section, open parking spaces accessory to one and two-family structures may be located anywhere on the lot containing the principal structure ~~except that such~~ provided however, parking may not be located in a rear yard ~~to~~ within five feet (5') of an interior side lot line ~~and to~~ or 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;

1. the curb or edge of street pavement and

2. a line coincidental with the front line of the principal structure house or garage (which ever is furthest from the street) extended to the side lot lines along any street frontage.

b. Within all R-1A, R-1B, R-1C and R-2 districts, parking of vehicles ~~and/or recreational vehicles~~ excluding recreational vehicles in the front yard is allowed only on

a driveway, or parking pad that is directly contiguous to the driveway. ~~Said areas~~ A parking pad 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. Within the districts listed above, parking of recreational vehicles in the front yard is allowed only on a driveway provided parking shall only occur in that portion of the driveway that is bounded by the sidewalls of the garage extended to the street. Parking of recreational vehicles on parking pads or anywhere else in the front yard is prohibited.

c. Within the R-1C district in the front yard, no more than two (2) recreational vehicles may be parked on a driveway provided parking shall only occur in that portion of the driveway that is bounded by the sidewalls of the garage extended to the street.

d. 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.

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

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, watercraft as defined by MN Statute 86B.005, Subd. 18, as amended from time to time, all-terrain vehicles, and all-terrain vehicle trailers.

VEHICLE: Means vehicle as defined by MN Statute 169.011, Subd. 92, as amended from time to time.

**Section Three. Effective Date.** This Ordinance shall be in full force and effect upon its publication as provided by law and from and after \_\_\_\_\_, 2016.

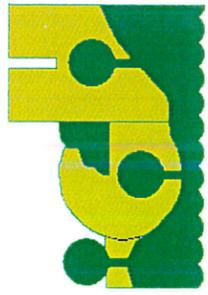
Passed in regular session of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF INVER GROVE HEIGHTS**

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

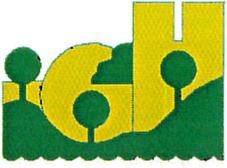
ATTEST:

\_\_\_\_\_  
Michelle Tesser City Clerk



**Location Map**  
**Case No. XX-XXX**





# Illustrates Area Where no Vehicle Parking on Grass is Allowed



## Allan Hunting

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**From:** THOMAS [mahoneyt1@comcast.net]  
**Sent:** Friday, March 11, 2016 10:41 AM  
**To:** CityHall  
**Subject:** non moterized vehicles

My driveway slopes down to my house. From past experience I know that if I leave my 5th wheel at that slope I will end up replacing or repairing my refrigerator. As for putting a pad along the side of driveway that would be level to park on I have another problem. When my house was built someone forgot to check property lines so my neighbors property line is under my driveway. I have made a pad out of class 5 that connects to the front of driveway that I have parked the 5th wheel on. I live in a court.

8555 ann marie trail  
651 450 0015  
Thomas M Mahoney

## Allan Hunting

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**From:** sharonmanthe@comcast.net  
**Sent:** Monday, March 21, 2016 2:21 PM  
**To:** CityHall  
**Subject:** Proposed Front Yard Parking Restrictions in IGH

Good afternoon,

My name is Sharon I am a 13+ year resident of IGH. I would like to voice my opinion against changing the restrictions for regulating where recreational vehicles can be parked. I do not feel it is necessary to change the ordinances. Currently, my husband and I utilize a rocked parking pad next to our garage that is connected to our driveway to park our camper and boat. It would be a major inconvenience to have to store these items on the driveway only.

I understand that there might be some residents who would be in favor of changing these ordinances, but I would guess these residents do not own boats, campers, trailers, etc., or they have neighbors who clearly abuse their right to store their recreational vehicles in a proper manner. A short drive through IGH tells us that there are many residents utilizing parking pads and are in compliance with the current ordinances and who would not like to be punished for the few residents who've chosen to turn their yards into a junkyard.

Thank you for your considerations.  
Sharon

## Allan Hunting

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**From:** Manthe, Rose [rose.manthe@krausanderson.com]  
**Sent:** Monday, March 21, 2016 8:33 PM  
**To:** CityHall  
**Subject:** Proposed Front Yard Parking Restrictions - comments

I would like to see the current parking of recreational vehicles rules remain and not be changed. Changing this rule to only allow 2 recreational type vehicles on the driveway will discourage younger families from moving into Inver Grove Heights and ultimately decrease the value of our homes. Residents who are active campers, hikers, winter snowmobiling, fishing.. are going to have trailers, boats, campers, etc. Minnesotans are active summer and winter outdoor people... We have enough government telling us what we cannot do. Leave this one alone. Keep the vehicles parked off the streets and in the driveways and parking pads of the residence.

Thank you,

Rose Manthe  
7359 Cleve Ave E  
Inver Grove Heights, MN 55076

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## Allan Hunting

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**From:** TIMOTHY [redsage56@comcast.net]  
**Sent:** Thursday, March 17, 2016 7:41 PM  
**To:** CityHall  
**Subject:** parking restrictions  
**Attachments:** IMG\_0740.jpg

City Council,

I am adamantly opposed to any changes that are being considered regarding parking of non-motorized vehicles.

This would put a unnecessary burden on those of us with single car garages or smaller lots, let me explain.

I live in an older well kept area of Inver Grove where most of the homes were built in the 50s and 60s with single car attached or tuck-under garages. When families went from 1 car to 2 and 3 cars per family, people who could not add on to the garage began widening there driveways or adding "siders" to accommodate their cars, boats, etc. After all these years are these double-wide driveways going into single car garages to be considered as parking pads? If we cant move our boats and trailers into our backyards were do we park them?

You just change the rules two years ago and now because of a few problem areas you think you have your saddling the rest of us with a burden, look at the photo attachment I have sent, under your proposal would this be a violation? This in my opinion creates more problems than it solves.

I checked with the City of W.S.P and S.S.P., neither of them have any type of restriction such as your proposing. Maybe you could look into a size restriction on non-motorized vehicles and grandfathering older single car garages.

Minnesota has the highest amount of boat ownership per capita than any other state in the nation, the state gains millions of dollars in revenue from sportsman.

Lets keep I.G.H. boat and trailer friendly.

Thanks,

T.W.Willett

## Allan Hunting

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**From:** Billy Manthe [jorad206@gmail.com]  
**Sent:** Tuesday, March 22, 2016 4:50 PM  
**To:** CityHall  
**Subject:** Parking Restriction Proposed

I do not believe punishing and hurting the ones that park and store recreational type vehicles in a manner that is not an "eye soar" to the public should be punished. These houses were built in a time when people didn't have boats, campers, and trailers. Instead people would rent resorts that provided boats and motors, or had recreational vehicles for rent, and the average household only had one car that was shared.

Sure there are some "eye soars" out there (people who don't cover, park neat, or clutter there driveway/side yard), but you just learn to deal with it, or maybe the city could come up with guide lines for parking recreational type vehicles outside or in there yard, or relax the setbacks and codes so that people can add on to or build a bigger building to park recreational type vehicles inside.

I live on a corner lot and all of my side yard is unusable, I can't even put up a fence so that I can let my dogs use it because of the STUPID setback that I have to follow.

BOTTOM LINE either come up with some guide lines that people have to follow to park recreational type vehicles outside (IE: no LOSE tarps, park neat, clean, etc.) or don't change a thing.

## Allan Hunting

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**From:** Mattaini, Carrie [carrie.mattaini@pearson.com]  
**Sent:** Saturday, March 05, 2016 3:49 PM  
**To:** CityHall  
**Subject:** Parking of Non-Motorized Vehicles

Greetings!

In response to your recent newsletter regarding parking on non-motorized vehicles I support your decision. In fact, I wish we would ban all parking of non-motorized vehicles all together. It devalues our properties.

Thanks,

Carrie

Carrie L. Mattaini

## Allan Hunting

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**From:** Georgia Mueller [georgia.mueller@gmail.com]  
**Sent:** Thursday, March 03, 2016 2:42 PM  
**To:** CityHall  
**Subject:** Parking of Non-Motorized Vehicles

I think this should be prohibited as it makes our community look like a 'junk-yard'! You do not see this permitted in the Edina, Woodbury, etc. communities. As an alternative for owners of items that need parking, perhaps a large lot could be made available for these types of items....they do that in other parts of the country so these things cannot be parked in neighborhoods. Just offering a solution to the eyesores that these vehicles create.

G. Mueller

## Allan Hunting

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**From:** Mandell, Paul (CAAPB) [paul.mandell@state.mn.us]  
**Sent:** Wednesday, March 02, 2016 2:09 PM  
**To:** CityHall  
**Subject:** parking requirements

I think it's most important that we enforce a line of sight, meaning that things like an RV with height and bulk should be kept back far enough from the road and right-of-way to prevent blocking sight lines needed for viewing oncoming traffic when a neighbor is backing out of their own driveway. In addition, I think it's important that any house with extra vehicles in the driveway on a regular basis have an address clearly visible on the property or the house so that any emergency vehicles can easily locate a particular address.

*Paul Mandell, 8320 Cleadis Ave, Inver Grove Heights, MN 55076*

## Allan Hunting

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**From:** Heather Mickelson [adeepskillset@msn.com]  
**Sent:** Monday, March 21, 2016 2:42 PM  
**To:** CityHall; Anthony Mickelson  
**Subject:** New Front Yard Parking Restrictions of Non-Motorized Vehicles

Dear Sir or Madam:

I think there does need to be parking restrictions and if there are parking restrictions that they be enforced!

We live in at 7413 Cloman Way and I do think it needs to be restricted.

There are rules and permits on several items when homeowners what to do something.

If a homeowner wants put up a fence they need permission, need to pay for variance (several hundred dollars), present to the board and it still could be denied.

You want to add a shed or do any work to the home you need to seek the city's permission.

With vehicles or items owned by homeowner it seems okay to leave those items anywhere and park those vehicles anywhere.

I live on the corner lot and have a beautiful yard but when I lookout my huge living room window the home on the corner (across from me/diagonal) of 73rd...the corner right across from my house has 6-7 vehicles parked, a motor home, a boat, and several large items or garbage. His driveway, side of his house and front yard is a huge eye sore. It makes the neighborhood look cheap and dirty.

Also the house on 75th Street past the church and at the 4 way stop there fence is an eye sore and all the junk and vehicles in there yard.

The city is sure strong and pushy on fences, permits, and other items but when it comes to vehicles motorized or not they can be wherever.

On 75th Street this house has this huge boat. I mean it is a boat for the river. He has a pad in his front yard but when his boat is there you cannot see the front of his house. Your view is the boat.

There are no regulations and if there are they are not being followed because no one is pressing the issue. No one is enforcing the rules!

We found this out when we came forward to build a fence and get the permit needed. I would have to look back at my husbands notes but at least 10 houses with fences around us never got a permit to build those fences or the okay to do so. There are no permits on file. But no one ever checked or enforced that they have to get the permit!

But we go to the city have to pay the \$250 to even be heard, go to several meetings, and pay a fee for the permit to build!

Makes no sense.

Heather

## Allan Hunting

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**From:** Erin- Important [metzger.erin@gmail.com]  
**Sent:** Saturday, March 05, 2016 9:52 AM  
**To:** CityHall  
**Subject:** Front yard recreational vehicle proposal for IGH

Dear City Hall,

In a residential driveway there is no need for more than 2 recreational vehicles. Inver Grove Heights is becoming more populated and is no longer a bunch of farmland. The yards are getting closer and closer together which means the condition/appearance of your yard effects your neighbors. In order to keep our neighborhood classy, please pass this parking restriction proposal.

Thank you,  
Erin  
Sent from my iPhone

## Allan Hunting

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**From:** Michael Jung [majung@mmm.com]  
**Sent:** Wednesday, March 02, 2016 6:06 PM  
**To:** CityHall  
**Subject:** Front Yard Parking

I have multiple brothers, sisters and family living around the metro area. Inver Grove Heights is the only community that I'm aware of that allows any form of non-vehicle parking in the front yard or driveway. Nothing parallel to the front sides of the house. It's so unsightly, and there are a number of people in my surrounding neighborhood that have large boats on trailers and big RV's always parked front center. What a wonderful view for all the neighbors.

This policy make IGH look low class as compared to surrounding neighborhoods. Let's establish rules that not any type of non-vehicles (car, suv, pick-up, etc.) can be parked beyond front of house. Then we won't look 3d class or need on grass or off-grass policy's.

Mike Jung  
8170 Corey Path  
IGH

## Allan Hunting

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**From:** David Barclay [dkbarclay972@gmail.com]  
**Sent:** Wednesday, March 09, 2016 6:16 PM  
**To:** CityHall  
**Subject:** Front Yard Parking

I agree with the proposed changes of not parking recreational vehicles in the front yard in IGH and hope you pass them. I do know of one instance where a motor home is parked in the front yard of a residence all Winter.

David Barclay

Sent from my iPad

## Allan Hunting

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**From:** Mike Gamlen [mkgamlen@comcast.net]  
**Sent:** Thursday, March 03, 2016 6:39 PM  
**To:** CityHall  
**Subject:** Rule changes for Parking of Non-Motorized Vehicles

I support a change in the rules that restricts parking of boats, trailers and non-motorized vehicles to the driveway only.

Further, I would like to see the city take a more active part in enforcing rules. I don't care to call and report my neighbors, which is what some of the rules require in order for the city to address problems.

Sincerely,

Kathy Gamlen

**Allan Hunting**

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**From:** Kim M Jung [kim.m.jung@seagate.com]  
**Sent:** Thursday, March 03, 2016 9:49 AM  
**To:** CityHall  
**Subject:** Regarding policy that allows people to park their bit items in their front yard.

I would like to see IGH come up with a policy that does not allow people to park their big RV's, boats or whatever in their front yard. We have many in our neighborhood and it looks trashy. We don't want Inver Grove to look like a low class city. Require people to park their large recreational vehicles behind the front of their house.

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\*\*\*\*\*

Kim M. Jung  
Administrative Assistant  
RHO Quality Systems  
Seagate Technology  
7801 Computer Ave So NRW104  
Bloomington, MN 55435  
Direct (952) 402-8628  
Cell (651) 276-6989  
Fax (952) 402-1328

## Allan Hunting

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**From:** Dawn Santo [dsanto20@charter.net]  
**Sent:** Friday, February 26, 2016 3:55 PM  
**To:** CityHall  
**Subject:** recreational parking

I agree with the limit to parking only on driveway or parking pad, with limit of no more than 2 recreational vehicles.

## Allan Hunting

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**From:** Cornell [cornell3210@yahoo.com]  
**Sent:** Tuesday, March 15, 2016 7:58 PM  
**To:** CityHall  
**Subject:** Please restrict parking to driveways only

I encourage you to support parking restrictions allowing parking of non-motorized vehicles on the driveway only. Vehicles parked on grass areas in front, side, and back of houses are unsightly to neighbors. For example, when we look out our back door, we should not have to see our neighbor's RV trailer.  
Thank you,

Cornell Chun  
7325 Bancroft Way  
Inver Grove Heights, MN 55077

## Allan Hunting

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**From:** TJ Johnson [bogeyman@q.com]  
**Sent:** Sunday, March 20, 2016 9:10 PM  
**To:** CityHall  
**Subject:** Parking Restrictions

I support enacting parking restrictions for non-motorized vehicles such as boats, trailers, campers, and all recreational vehicles, even those with motors. The last group would be motorcycles, snowmobiles, motor homes, etc. I also feel that parking any of these on the driveway should also be restricted to short time periods (24 hours?), maybe for the purpose of cleaning, loading, or unloading. I have seen communities allow the parking of vehicles on parking pads along side or behind the home, and not allow them to go past the front corner of the home. This seems to improve the general appearance of the neighborhood. However, there are local businesses that are built for storage of vehicles like the ones that we are discussing. We also have marinas in our communities that easily could handle the storage of large boats. In my opinion, this last option would be the best.

Thank you,

Tom Johnson  
651-457-9859

## Allan Hunting

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**From:** pathurt1@comcast.net  
**Sent:** Wednesday, March 02, 2016 3:43 PM  
**To:** CityHall  
**Subject:** Parking of non-motorized vehicles

Dear IGH,

After reading the Insights flyer, I have more questions than comments.

Would the changes only apply to the front yard?

Does the back yard or side yard not have rules?

Regarding "non-motorized vehicles", does this mean my boat with a motor has different rules or no rules?

I have a boat with a motor that lives in the garage during the summer and currently lives at my brother's acreage during the winter. If I wanted to store it in my side yard over the winter, would that be acceptable?

Thanks,  
Patrick Hurt  
7915 Claiborne Ln  
IGH