

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**TUESDAY, MAY 3, 2016 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

**1. CALL TO ORDER**

**2. APPROVAL OF PLANNING COMMISSION MINUTES FOR APRIL 5, 2016 (The April 19, 2016 minutes are not complete and will be approved at the May 17 meeting)**

**3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 ALFRED WILLENBRING - CASE NO.16-13IUP**

Consider the following requests for property located at 1185 80<sup>th</sup> Street:

a) an **Ordinance Amendment** to add “contractor’s yard with outdoor storage” in the A, Agricultural Zoning District to the list of interim uses.

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

b) an **Interim Use Permit** to allow a contractor’s yard with outdoor storage on an A, Agricultural zoned property

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

**4. OTHER BUSINESS**

**4.01 Recommendation on Consistency with the Comprehensive Plan for a City Improvement Project (Argenta Trail ROW).**

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

**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, April 5, 2016 – 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  
Pat Simon  
Joan Robertson  
Tony Scales  
Harold Gooch  
Armando Lissarrague

Commissioners Absent: Annette Maggi (excused)

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

### **APPROVAL OF MINUTES**

Commissioner Simon noted that Wakota Storage was tabled to the April 5<sup>th</sup> meeting; however, it was not on tonight's agenda.

Ms. Botten advised it had been tabled again to the April 19<sup>th</sup> meeting; the neighbors were notified of the change.

The minutes from the March 15, 2016 Planning Commission meeting were approved as submitted.

### **GLG PROPERTIES (GERTENS) – CASE NO. 16-05PDP**

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Ordinance 1230 to rezoning additional land to commercial Planned Unit Development District, and to change the site plan and allowed uses for the growing field expansion, and a PUD amendment to change Resolution 11-28 to allow for the growing field expansion, for the property located at 2910 – 54<sup>th</sup> Street. 52 notices were mailed.

Ms. Botten advised that this item has been tabled to the April 19 Planning Commission meeting.

#### **Opening of Public Hearing**

No public testimony was taken as the item has been tabled to April 19.

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

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a variance from the minimum parking requirements to open a sit-down restaurant, for the property located at 6508 Cahill Avenue. 5 notices were mailed.

### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant is proposing to open a 40 seat sit-down restaurant. During the building permit review it was discovered that the property is short 13 of the required parking spaces based on the current business mix. The original approval was for an auto parts store and retail development. Generally speaking retail uses generate less peak traffic than a restaurant would and customers often stay for a shorter period of time than they would in a restaurant; therefore, this change of use would require either a joint parking agreement with a neighboring property or a variance. The applicant looked into a joint parking agreement with Gator Investments, the owner of the property to the south, and Gator was not interested in a shared parking or overflow agreement as they did not want to burden their own tenants; therefore, they are now requesting a variance. Staff is concerned about the parking impact to the abutting businesses that the change of use may bring. If there is inadequate parking customers are likely to park on the neighboring properties and affect that business's customer parking. Another purpose of parking requirements is to assure the vitality of a business neighborhood. If there is inadequate parking customers are often inconvenienced and may go to a different area to do their shopping. Staff believes the noon hour to be the biggest overlap between the businesses and went out to the site seven times between noon and 1:00 p.m. Each time spaces were available. Based on these observations, the parking allocated for the auto parts store may be greater than what the actual need would be. Additionally, the auto parts store may not have traditional peak times but rather have more constant traffic throughout the day. Cahill Diner would be busiest during the breakfast and lunch hours as they are not open for dinner. The applicant has stated that their peak times would be during dinner and evening hours. Staff believes that a practical difficulty can be found in the strict regulation of our code and that the standard set forth in our parking regulations may not fit all the possibilities in this case. The auto parts store may be over parked and the site is unique in that all three tenants have different peak times allowing parking spaces to be available throughout the day for the individual customers for all three businesses. Provided there are no objections from the surrounding businesses, staff recommends approval of the request. Ms. Botten noted they had not heard from any of the surrounding property owners.

Commissioner Wippermann asked what the reasoning was for the determination in 2004 that the auto parts store should be allocated 23 spaces.

Ms. Botten replied it was based on square footage of retail and warehouse use of the auto parts store and the remainder of the site was reviewed as straight retail.

Commissioner Wippermann questioned whether the auto parts store would need 23 parking spaces.

Commissioner Robertson stated she looked at the space over the noon hour and found there was ample parking space at the auto parts end of the complex, there were eight cars parked and eight available spaces by the Cahill Diner and the proposed restaurant space, and there were five cars parked with three available spaces at just the proposed site itself. Her other concern was that there was only one handicapped parking space in the complex, which was located between the auto parts store and Cahill Diner, and that adding another handicapped space would reduce the available parking even further. She asked if the auto parts store had the ability to prohibit customers of the restaurants from parking in their spaces.

Ms. Botten advised there were actually two handicapped parking spaces available; one on either side of the hashed area.

Commissioner Robertson stated the one on the Cahill Diner side had no striping or signage indicating it was a handicapped space.

Ms. Botten stated if the space was supposed to be striped and was not they would ask the property owner to get it taken care of. She advised that the handicapped parking is looked at on the site as a whole and would be addressed through the building code. She advised that the Chief Building Official had not indicated that additional handicapped spaces were needed but she would verify that with him. In regards to the concern with the auto parts store, she advised they could perhaps get individual signs installed in front of their business designating those spaces for the auto parts store.

Mr. Hunting stated unless the property owner designates spaces to each user, the total number of parking spaces needed was determined for the entire parking lot and no specific user was given a set amount of parking spaces.

Commissioner Simon advised there were only three cars in the entire lot at 4:30 p.m. this afternoon.

Commissioner Klein advised that the property owner to the south, Gator Investments, was an absentee landlord out of Florida who has always said no when the City has asked them for anything. He questioned what the legal implications would be if customers for the proposed restaurant parked in the Gator lot.

Commissioner Niemioja asked if the auto parts store and Cahill Diner had been notified of the request.

Ms. Botten replied that the City notifies the property owners, not the tenants, but it was her understanding that the tenants were aware of the request.

Commissioner Gooch advised this seemed to be somewhat of a lease issue and it was important to hear from the property owner, stating the City would not want to infringe on the stipulations of the lease agreement. If the lease allocates certain spaces to the auto parts store and Cahill Diner the question is how many spaces are left over for the proposed restaurant.

Commissioner Scales stated he did not feel it was the City's responsibility to figure out the issue of whether or not people would park in the Gator lot. He advised they should not necessarily worry about individual tenants as they change often, and if the City is comfortable that there is enough parking based on our codes and requirements then he would support the request. If there is a problem in the future it is the landlord's responsibility to deal with the issue.

Commissioner Klein doubted that Gator would even know if anyone parked in their lot.

Commissioner Scales agreed, stating he was not sure it was an issue.

Commissioner Niemioja stated she was not aware there was an auto parts store at this site until this application and having the proposed restaurant there may bring in additional traffic to the existing tenants.

#### **Opening of Public Hearing**

Cheri Harthaus, 3345 – 68<sup>th</sup> Street East, stated she represented the owner of the proposed restaurant and was available to answer any questions.

Commissioner Gooch asked if she read and understood the report.

Ms. Harthaus replied in the affirmative. She stated she was a resident of the City and was excited

to see a new business come to Inver Grove Heights. She advised that she did see any issues as Cahill Diner's peak traffic was in the morning and 123 Pasta would basically be lunch and dinner.

Commissioner Simon asked if there was anything in the lease for this particular restaurant regarding parking spaces.

Robert Lunieski, 8301 Creekside Circle, Bloomington, the property owner, advised the parking spaces were not allocated to any given tenant and no tenant had the ability to claim any given number of spaces. He stated the walking distance from the far end of the parking lot to the new restaurant was not great and therefore customers would not be inconvenienced and avoid stopping at this store. He spoke with Gator but they were unwilling to do a shared parking agreement, he did not believe parking would be an issue, and he advised that he spoke with his other tenants and they had no issues with the proposed restaurant. He stated they are lucky to have this restaurateur, who owns two other popular restaurants in St. Paul and Woodbury.

Commissioner Gooch closed the public hearing.

#### **Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Niemioja, to approve the request for a variance from the minimum parking requirements to open a sit-down restaurant, for the property located at 6508 Cahill Avenue.

Motion carried (8/0). This item will go to the City Council on April 11, 2016.

Commissioner Lissarrague asked when the projected opening date was.

Ms. Harthaus replied June 1, 2016.

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

##### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for a conditional use permit to allow for the service of semi-tanks, trucks, and trailers, including equipment, parts, and tires, for the property located at 10974 Clark Road. 7 notices were mailed.

##### **Presentation of Request**

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that the applicant, North American Trailer, recently received approval to construct a new facility across the street from the subject property. The company is a semi-truck and repair center as well as a retail parts distributor and trailer dealer. The applicant is in need of temporary space to operate a portion of their business until their new building is complete. The code states that the service of semi-tanks, trucks, and trailers, including equipment, parts, and tires, is a conditional use in the I-2 district. Last year the property on which the applicant is planning to use received a conditional use permit for a contractor's yard and outdoor storage associated with an office and warehouse building and is specific to those types of uses. The proposed conditional use permit (CUP) would be for the service of semi-tanks, trucks and trailers which would be done inside the existing building. The new CUP would stay with this property. Staff believes the CUP criteria have been met and they are recommending approval of the request with the four conditions listed in Alternative A. Ms. Botten advised staff heard from one neighboring property owner who is currently out of state. He did not have any concerns with the proposed use for North American Trailer, but rather had some concerns about the property as a whole and the outstanding issues from the previous CUP.

Commissioner Simon asked if North American Trailer was already operating in the building.

Ms. Botten replied she was not sure.

Commissioner Klein asked if the applicant was moving their operations from Concord Boulevard.

Ms. Botten replied in the affirmative, stating they also had another facility in Eagan which is the one they had to be moved out of. She believed the Concord Boulevard facility was still in operation.

Commissioner Klein asked if they planned to continue to operate at the Concord location, stating the Clark Road location would be better suited for this use.

Ms. Botten replied that the applicant could better answer that question.

Commissioner Simon asked if approval of this CUP would allow a business to do the same type of work at this site on a permanent basis after North American Trailer had left.

Ms. Botten replied in the affirmative, stating the request was for a conditional use permit for this property for any business to do service of semi-tank, trucks, and trailers.

#### **Opening of Public Hearing**

Spencer Dally, 6055 – 240<sup>th</sup> Avenue, Stacy, MN, General Manager for North American Trailer, advised he was available to answer any questions.

Commissioner Gooch' asked the applicant if he read and understood the report.

Mr. Dally replied in the affirmative. He advised that they intend to consolidate their current operations on Concord Boulevard and the property being discussed tonight to their new facility being built on the west side of Clark Road.

Commissioner Klein asked for clarification that they planned to close the Concord facility and that everything would be moved from the site.

Mr. Dally replied in the affirmative.

Commissioner Klein stated they could decide later if they would like to rezone the Concord property to a commercial use rather than industrial, which would fit better with the abutting residential neighborhood.

Mr. Dally replied in the affirmative.

Dean Dally, 20476 Furuby Road, Taylor Falls, owner of North American Trailer, advised that once the new facility is completed the Concord operation will move into the new building. They currently have employees from their Eagan facility working in the Clark Road building temporarily as the Eagan lease expired too soon before the new building was done. The building they are working in temporarily is owned by Steve Watrud and it recently received a separate conditional use permit for outdoor storage. He advised that when he purchased the Concord property in 2008 he was assured it met the zoning code regulations for heavy trucks.

Commissioner Klein asked if they would be removing all materials from the North American Trailer site on Concord once they moved to the new location.

Dean Dally replied in the affirmative, stating they work hard to make their operations presentable.

Spenser Dally added that their equipment is currently being stored on the property south of the subject property so as to keep the property clean.

Ken Pike, 11025 Courthouse Boulevard, advised that he owned the residential property directly east of the subject property. He stated they have no issues with North American Trailer itself and asked if the CUP would be temporary or permanent.

Ms. Botten replied it would be permanent.

Mr. Pike asked why the tenant was applying for the conditional use permit rather than the owner.

Ms. Botten replied that either the tenant or the owner could be the applicant.

Mr. Pike asked if perhaps the owner opted out of being the applicant because he had not met the conditions of his previous CUP. Because tenants change often he felt it made more sense for the owner to apply for the CUP.

Mr. Hunting stated that typically the applicant will be the tenant rather than the property owner, as it was in the previous request for 123 Pasta.

Mr. Pike stated he had no issues with the North American Trailer application but felt this could be used as leverage to get the outstanding conditions from the previous CUP completed.

Commissioner Simon stated that would be up to the enforcement officer.

Commissioner Klein asked what items were still outstanding.

Mr. Pike replied one outstanding item was the landscaping; only two trees had been planted on the northern residential property.

Commissioner Klein asked if that CUP was approved approximately a year ago.

Mr. Pike replied in the affirmative. He stated another issue is that Mr. Watrud has lights shining on the residential properties and refuses to change them. He advised they have hired an attorney.

Mr. Link clarified that the CUP was granted to Steve Watrud last year. Since then some of the neighbors have raised concerns about the lighting and the landscaping not being in compliance with the conditional use permit. A few months ago the City was notified that the attorneys for both sides were going to try to work something out. As it stands right now the City is waiting to see if the two parties can work something out. He advised that this issue; however, is separate from the North American Trailer request being discussed tonight.

Commissioner Klein asked why the City had not enforced the conditions, stating the neighbors should not have to hire attorneys.

Mr. Pike stated the City had a lighting engineer do a study and he determined two of the three lighting criteria had not been met. No one was doing anything about it so they got an attorney.

Commissioner Klein advised Mr. Pike he should not have to hire an attorney.

Commissioner Simon agreed with Commissioner Klein's comment.

Mr. Pike stated this would be good leverage to get some of the conditions done.

Commissioner Robertson stated City Council would deal with that.

Mr. Pike replied they had already dealt with City Council and unfortunately no one was enforcing the ordinance. He stated the lights were so bright you could make a shadow or read a paper in his back yard at night.

Commissioner Scales asked if they could easily determine whether or not the conditions had been completed or if it was more a matter of interpretation.

Mr. Link replied there is a difference of opinion among the property owner about the application of the zoning ordinance.

Mr. Pike stated it was a matter of how the City ordinance is interpreted and the City must make a decision so they can move forward.

Commissioner Scales asked if Mr. Watrud is not in compliance or rather is it an opinion that he is not meeting his requirements.

Mr. Link responded that the City was proceeding with enforcement, and then received a call from the residents' attorney asking the City to discontinue that action to see if something could be worked out between the two parties.

Mr. Pike stated there was a possibility they could be bought out, but if the City did not enforce their ordinances the next person would push a little more and eventually the City would have no control over anything.

Commissioner Scales stated he is hearing that the residents have taken it out of the City's hands for awhile while they try to work it out.

Mr. Pike stated that was due to the City not doing anything for them. He asked Mr. Link if he agreed that the lighting did not meet the requirements.

Mr. Link replied that last fall he was out to Mr. Pike's property and found the lighting to be a problem.

Mr. Pike stated the lighting engineer agreed there was a problem as well.

Commissioner Klein stated it seemed like the fix would be much cheaper than the attorneys.

Commissioner Lissarrague asked if there was a time limit as to when the City would step in again.

Mr. Link replied they would wait to hear from the attorneys that the parties could not work it out and wanted the City to get back involved.

Commissioner Niemioja asked Mr. Pike if he was here asking the City to get involved again.

Mr. Pike replied no, he was saying the City did not enforce its ordinances and he felt the owner should be applying for the CUP rather than the tenant.

Commissioner Gooch questioned how the two parties involved could basically nullify what the City

set forth in their permit, stating if the conditions were not being met the property owners should be negotiating with the City rather than each other.

Mr. Link stated there were two different opinions on the lighting.

Mr. Pike stated the City did a study so it was not subjective.

Mr. Link advised that the second issue was landscaping. City Council approval states it should be worked out with the neighbors. He stated these are subjective issues and at some point if the two sides cannot work it out the City will get involved again.

Commissioner Robertson stated she could understand that there may be a difference of opinion regarding whether or not lights were shining up or down; however, when the Planning Commission recommended approval of the previous CUP it included specific language about the landscaping. She stated the Planning Commission took the time to address the needs of the property owners, including specifics about the landscaping, and now to find out that it did not happen that way and attorneys are now involved is perplexing. She thought the point of the City's process was for the Planning Commission to make things clear and specific when moving them on to City Council.

Mr. Link advised that the landscaping plan was changed after the Planning Commission's action and no specific landscaping plan was approved. Instead the City Council added a condition that the residents and Steve Watrud should agree on the landscape plan.

Commissioner Robertson questioned whether Council's action basically takes the City out of any kind of enforcement and she was concerned this could go on indefinitely.

Mr. Link replied no, the City was involved in enforcement actions then both parties asked the City to step back to see if they could work it out. If that does not work out the City will get involved again. If the City does get involved again the landscape plan goes back to the City Council and they will decide what the proper landscaping is.

Mr. Pike stated the reason they got the attorney was because nothing was happening.

Commissioner Gooch advised Mr. Pike that according to staff his attorney told the City to step back so that the property owners could negotiate.

Mr. Pike replied he did not believe that was true.

Shirley Pike, 11025 Courthouse Boulevard, stated that neither she nor her husband had ever been told they were to work out a landscaping plan with Steve Watrud. She stated Mr. Watrud had never approached them about the landscaping and would be difficult to deal with as he was belligerent and stubborn.

Commissioner Niemioja asked Ms. Pike if they had an attorney.

Ms. Pike replied in the affirmative. She advised she would contact her attorney tomorrow and ask him to speak with Mr. Grannis and then get back to Tom Link. She stated they have to put their shades down to keep out the light from the property behind them and she feels Mr. Watrud is doing it on purpose.

Commissioner Lissarrague asked if the Pikes would be selling their property in the future.

Ms. Pike replied in the affirmative.

Commissioner Lissarrague asked if she knew who the buyer would be.

Ms. Pike replied she did not. She stated she would not sell her property to Mr. Watrud as she would not want anyone to put up with what she has had to put up with.

Commissioner Robertson asked Ms. Pike if her attorney had asked the City to step away for the time being.

Ms. Pike replied her attorney was going to speak with Mr. Grannis but to her knowledge nothing had yet been worked out.

Mr. Pike stated they have been approached by the City for a buyout and are fairly sure they know who wants to buy it and why he will not deal with them. He added that they recently received an offer from another buyer but have not yet determined when they would like to sell.

Richard Sachwitz, 11097 Courthouse Boulevard, agreed with the statements by Mr. and Ms. Pike and recommended that any additional CUP approvals be denied until the issues with the first CUP are resolved.

Commissioner Gooch closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Niemioja was concerned about the lack of specificity that the City Council let go forward, stating it was as though no one did any work on this as far as the City was concerned. Although she empathized with the Pikes, she did not want North American Trailer punished for an issue that was out of their control. She was disappointed that a more specific landscaping plan had not gone through and would like to see the lighting and landscaping issue resolved.

Commissioner Klein stated he did not want to create roadblocks to North American Trailer and would support the request because of the impact it would have on its employees and the position the lessee was in at this point in transition.

Commissioner Wippermann asked staff if there was any consideration given to an interim use permit rather than a conditional use permit.

Mr. Link replied that the zoning ordinance lists this as only a conditional use in the I-2 zoning district.

Commissioner Scales stated the outstanding issues are with the property owner, not the applicant.

Commissioner Lissarrague agreed, stating that the City needs to start enforcing the ordinances and agreements that are in place for the sake of our neighborhoods. He suggested staff follow up with the attorneys, see where they are at, and if they have not resolved anything the City should give them a timeline of when the issue needs to be settled or the City will intervene. North American Trailer should not have to deal with upset neighbors.

Commissioner Simon asked if the application could be tabled to see if they can force Mr. Watrud to comply with the requirements.

Commissioner Scales stated that litigating this issue was out of the Planning Commission's purview, and they do not know all the facts - only what has been told to them tonight. He stated it appears as if the Council may not have been clear with their plans but the Planning Commission's

role is to look at the application before them. He suggested they move this request forward for a vote and let staff work out the other situation and perhaps give Commissioners an update in a few weeks.

Ms. Pike stated she fully supported North American Trailer and wanted them in her neighborhood. She clarified that her issue was with the property owner and the previous CUP.

Ms. Botten reminded everyone that it is a separate conditional use permit with the four conditions listed. The original CUP still has the same conditions it was approved with.

Commissioner Robertson commended the Planning Commissioners for doing their homework, getting specific as they can, and thinking carefully about what they send forward to the City Council. She hoped that when the work they do as a Commission moves forward to City Council that the specificity that they send along with it be given strong consideration and clear statements about why they may choose to do something different.

#### **Planning Commission Recommendation**

Motion by Commissioner Klein, second by Commissioner Scales, to approve the request for a conditional use permit to allow for the service of semi-tanks, trucks, and trailers, including equipment, parts, and tires, for the property located at 10974 Clark Road..

Motion carried (8/0). This item goes to the City Council on April 11, 2016.

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

#### **Reading of Notice**

Commissioner Simon read the public hearing notice to consider the request for an ordinance amendment to Title 10 of the City Code (Zoning Regulations) relating to restricting the parking of non-motorized vehicles to the driveway only in the front yard in single-family residential zoning districts. No notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the Council first adopted an ordinance in November 2014 to address citizen complaints of people that were parking vehicles in front yards. The ordinance allows parking of both automobiles and recreational vehicles on either the driveway or on parking pads in the front yard. City Council is now looking to fine tune the ordinance by restricting the parking of recreational vehicles in the front yard only on the driveway of properties in the R districts. No recreational vehicle parking on parking pads will be allowed. For the purpose of this ordinance front yard is defined as the area between the street and the furthest back front line of the house or garage extended to the side lot lines. Within this area recreational vehicles are allowed to be parked only on a driveway leading up to a garage. Within the R-1C district Council also wants to allow a maximum of two recreational vehicles on the driveway in the front yard. Parking will still be allowed on the side or rear yards as long as they meet setbacks. It is the City Attorney's opinion that there would not be any existing situations that would be grandfathered in. All properties would have to comply with the current standards. Mr. Hunting advised that residents contacted staff with their concerns, one being the prominence of single-car garages in the older neighborhoods. Mr. Hunting showed an aerial of one such neighborhood which included several different parking arrangements; he asked the Planning Commission to consider such situations and how they should be handled.

Commissioner Klein commented that many of the oddball driveways were likely not in compliance with current setback requirements.

Mr. Hunting could not recall how that was dealt with a number of years ago when the issue of pavement and driveways and the different configurations was discussed.

Commissioner Niemioja asked for clarification that there was no ordinance prior to 2014 regarding this issue.

Mr. Hunting replied there was nothing that dealt with the requirements of parking in a front yard.

Commissioner Robertson asked if property owners with unique situations would have the option of requesting a variance.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked if there was a cost to request a variance.

Mr. Hunting replied there was a standard application fee of \$246.

Commissioner Robertson stated a variance application would give neighbors the opportunity to receive notice and provide comment.

Commissioner Wippermann asked if property owners would still be allowed to park recreational vehicles on the side or back of the house as long as setbacks were maintained.

Mr. Hunting replied in the affirmative.

Commissioner Robertson asked if recreational vehicles could be parked on the rear and side yards on grass rather than a paved surface.

Mr. Hunting replied in the affirmative.

Commissioner Wippermann questioned whether this ordinance went far enough, stating the outdoor storage of recreational vehicles on residential property does not enhance the appearance of a neighborhood and part of owning such a vehicle is storing it in an appropriate location, such as a storage facility.

Commissioner Robertson asked for clarification regarding parking a recreational vehicle on a parking pad or grass.

Mr. Hunting clarified that in the front yard recreational vehicles could only be parked on a driveway in the area leading up to the garage with the proposed ordinance.

Ms. Botten showed on a diagram where recreational vehicles could and could not park.

Commissioner Robertson asked if they would still have to meet setback requirements.

Mr. Hunting replied in the affirmative.

Commissioner Scales felt it would be acceptable to allow recreational vehicles to park on a parking pad in the front yard in the summer when they were being actively used; however, he agreed they should be stored elsewhere during the winter months.

Commissioner Niemioja was not a supporter of storage in the front yard, stating it could be a fast

transition from someone storing a boat in the front yard, adding other items, and eventually the entire neighborhood is affected by a junky yard. She felt this ordinance would help prevent those situations from happening as recreational vehicles kept in the driveway were in plain sight and more likely to be taken care of. Owners would probably not pay as much attention to vehicles parked off to the side and they could become unkempt. Her concern was with people who purchased a recreational vehicle in the time period between now and when the ordinance was adopted in 2014. In this instance she would argue that they could be grandfathered in because they relied on an ordinance in which the City said they had the ability to do that.

Commissioner Scales stated that enforcement of that would be almost impossible.

Commissioner Lissarrague asked what triggered this ordinance amendment.

Mr. Hunting replied that Council was receiving complaints and felt the original ordinance did not go far enough to address recreational vehicle storage in front yards.

Commissioner Lissarrague stated it would be tough to tell someone who purchased their recreational vehicle under the current ordinance that they now have to incur the cost of storing it elsewhere, but he also understood wanting to keep neighborhoods looking neat.

#### **Opening of Public Hearing**

Timothy Willett, 4511 August Way, stated the area shown on the overhead was his neighborhood. Because it was built in the 1950's many homes have single-car garages or tuck under garages. As families grew and cars were added some homeowners expanded their driveways. He stated many homeowners have a double-car driveway leading up to a single-car garage and asked if that would be considered a parking pad or a driveway. Many of his neighbors have been parking their boats and small trailers on parking pads and he was concerned that would no longer be allowed. He stated the proposed restrictions seemed excessive and he felt small boats and trailers should be exempt.

Commissioner Lissarrague asked Mr. Willett if he had the ability to park a recreational vehicle on either side of his home.

Mr. Willett replied he did not. He stated he owned a pie-shaped lot, 6,600 square feet in size. He stated his house was on a hill and it would be virtually impossible to put anything in the rear or side yards. He stated he was not a junk collector, he and his neighbors kept their driveways clean, and he felt the ordinance was going overboard. The boat and trailer sit in his driveway only in the summer.

Commissioner Gooch asked for the definition of a driveway versus a parking pad, and whether a double-car driveway going to a single-car garage would still be considered a driveway.

Mr. Hunting stated there will always be some interpretation needed, but a driveway is defined as that area leading from the street directly to a garage.

Mr. Willett pointed out there were a variety of driveway situations in his neighborhood.

Commissioner Klein stated there were also fences, hills, and trees preventing homeowners from getting vehicles to their back yard.

Mr. Willett stated the codes were different in the '50's and consequently the homes were built close together.

Commissioner Robertson asked if a driveway starts out as a single-car driveway and then widens out, is the excess area not directly leading to the single-car garage considered a part of the driveway or a parking pad.

Commissioner Gooch stated he always envisioned a parking pad being something off to the side of a driveway rather than a straight in approach.

Mr. Willett stated most people in his neighborhood have small recreational vehicles rather than large RV's.

Commissioner Lissarrague asked Mr. Willett if he was aware of any neighbor complaints regarding recreational vehicle parking.

Mr. Willett replied he was not.

Rod Buchite, 7365 Bester Avenue, stated he has lived in the City for 23 years and was concerned about the hardship this would create for recreational vehicle parking for families where both parents have a car, as well as teenage drivers. He stated people like to keep their house looking neat so they put down a parking pad to park their vehicles on, he and his neighbors would like to be able to park beside their house, and he stated most people in his neighborhood had a boat or trailer parked beside their home, but there were covered and neat. He stated there were already laws in place to take care of junk and the best practice was for people to first talk to their neighbor about the issue and, if they are unreasonable, call the City. He stated that newer neighborhoods have built-in covenants, but older neighborhoods would have a difficult time complying with the proposed regulations. He agreed with no parking being allowed in the front yard, but felt residents should be allowed to park a reasonably sized vehicle on the side of their garage as long as it does not exceed the area pointed out in the drawing.

Commissioner Lissarrague asked Mr. Buchite what he felt was a reasonable size vehicle.

Mr. Buchite stated he would consider recreational vehicles less than 18' in length to be reasonably sized. He stated many people do not have the room on the side of their house or garage to park a vehicle without encroaching on their neighbor.

Commissioner Lissarrague asked what he would think about having a large RV parked next door to him.

Mr. Buchite replied it would not bother him as long as it was kept up.

Commissioner Lissarrague asked if the issue was with dumpy situations or neighbors who are concerned about their view being blocked by an RV.

Mr. Hunting replied the emails they received were in regard to visual concerns, upkeep of property, and views being blocked.

Commissioner Lissarrague asked if the ordinance applied to all recreational vehicles.

Mr. Hunting replied in the affirmative, adding that the Planning Commission had the option to make specific recommendations if they wanted to break it out.

Commissioner Lissarrague felt small boats could be excluded.

Commissioner Scales stated picking and choosing which vehicles were exempt seemed like a

slippery slope. He would support an ordinance that allowed parking pads to be used during the summer but not for winter storage. He struggled to understand why this was an issue and questioned whether they were trying to put an ordinance in place to address a few specific properties or did they want to become a city with nothing parked in the front yards.

Commissioner Gooch agreed, stating this would not prohibit anyone from having a large boat in their driveway.

Commissioner Scales stated his concern was the definition of a driveway and how it could potentially be interpreted differently by different people.

Mr. Buchite asked Commissioners to keep in mind that there was a wide variety of people living in the City and he did not want Inver Grove Heights to become a sterile city.

Commissioner Robertson asked if it was possible to create an ordinance that addressed single-car garages differently than double-car garages as there was a challenge for single-car garage owners.

Commissioner Klein advised he did not see a lot of junky yards in the City and did not see the need for this ordinance, stating the public would likely be opposed to it as well.

Commissioner Lissarrague stated City Council initiated the discussion so they were prepared for potential public opposition.

Commissioner Klein suggested a motion be made to pass along the request without a recommendation.

Jim Laska advised he has lived in Inver Grove Heights since 1959 and is disappointed by what is happening to the City. He urged staff and Commissioners to recognize the issues and set appropriate standards that would control what is happening as a result of conspicuous consumption rather than responding to people's perceived needs.

Commissioner Lissarrague asked Mr. Laska to clarify his point.

Commissioner Klein stated Mr. Laska was saying the ordinance did not go far enough for him.

Mr. Laska stated people need to know there is a limited amount of space available for each lot and they must keep things within the context of what their lot realistically dictates.

Commissioner Lissarrague asked Mr. Laska if he was saying if a property was not large enough for a recreational vehicle it should not be there.

Mr. Laska replied in the affirmative.

Mr. Willett advised that the cities of West St. Paul, South St. Paul, and Blaine do not have any type of ordinance like this. He stated apparently they have found a way to deal with it and perhaps Inver Grove Heights could do something similar. He did not think a 16 foot boat was an eyesore.

Commissioner Gooch closed the public hearing.

#### **Planning Commission Discussion**

Commissioner Niemioja stated in her opinion storing recreational vehicles in the front yard did not fit with a first tier suburb such as Inver Grove Heights. She did not think of our City as a boating

community and wondered what restrictions were in place for boating communities such as Minnetonka or Prior Lake.

Commissioner Scales struggled with saying we need to look pretty as we are an inner ring suburb. He stated people on large lots like to do the same activities as people on smaller lots (i.e. fishing, boating, etc.). He did not have an issue with people having recreational vehicles in their front yard in the summertime when they are being used, but they should go away in the winter when they are being stored rather than used.

Commissioner Niemioja stated they can keep them as long as they are in the right place.

Commissioner Scales replied that some people cannot; especially those in the older neighborhoods. He stated at his previous house there was no way he could have gotten anything to his back yard; however, he still had the same things he has now (trailer, boat, etc.) and he would not want to tell someone they could not park their boat at their house. He agreed with Commissioner Klein that this amendment was not needed.

Commissioner Robertson stated she wants to respect the rights of people to store things on their property; however, unfortunately she has seen dilapidated recreational vehicles in front yards that have not been moved in several years.

Commissioner Scales stated that would be considered storage and would be an enforcement issue.

Commissioner Robertson replied that just because its rusty does not mean enforcement necessarily has to step in. She stated no matter what neighborhood people live in they have the right to have that neighborhood look nice.

Commissioner Scales stated the people they were talking about were young families with kids and in his opinion they had the right to buy a boat to take their kids fishing and the right to have that boat sitting in their driveway.

Commissioner Niemioja stated part of owning a boat is being able to afford to store it in an appropriate place.

Commissioner Lissarrague stated apparently the City Council sees this as a problem since they initiated the request. He suggested that no campers, RV's, boats over 16 feet in length, or trailers over 8' x 5' be allowed to park in the front yard.

Commissioner Simon asked about canoes.

Commissioner Lissarrague replied generally canoes were not generally over 16 feet long.

#### **Planning Commission Recommendation**

**Motion by Commissioner Lissarrague to approve the request for an ordinance amendment to Title 10 of the City Code (Zoning Regulations) relating to restricting the parking of non-motorized vehicles to the driveway only in the front yard in single-family residential zoning districts. with additional verbiage prohibiting campers, RV's, boats over 16 feet in length, and trailers over 8' x 5' from being parked in the front yard.**

Commissioner Scales asked for clarification that he was suggesting no one be allowed to park a camper or RV in their front yard.

Commissioner Lissarrague replied in the affirmative.

Commissioner Gooch asked if there was a second.

**Motion failed due to lack of a second.**

**Motion by Commissioner Klein, second by Commissioner Scales, to move the ordinance amendment to Title 10 of the City Code (Zoning Regulations) relating to restricting the parking of non-motorized vehicles to the driveway only in the front yard in single-family residential zoning districts forward to City Council without a recommendation.**

Commissioner Wippermann stated he supported the idea of additional restrictions and therefore would be voting no on the motion.

Commissioner Simon asked if the motion was to make no changes to the 2014 ordinance.

Commissioner Gooch replied in the affirmative.

**Motion failed (4/4 – Wippermann, Niemioja, Lissarrague, Robertson).**

**Motion by Commissioner Niemioja to approve an ordinance amendment to Title 10 of the City Code (Zoning Regulations) relating to restricting the parking of non-motorized vehicles to the driveway only in the front yard in single-family residential zoning districts, with the exception of grandfathering in existing parking pads on homes with single-car garages.**

Commissioner Robertson asked for further clarification of what she meant by grandfathering in.

Commissioner Niemioja replied that if the owner of a home with a single-car garage had been using a parking pad to store a recreational vehicle she would grandfather that in as it would be an unreasonable burden and they have reasonably relied on the city's previous ordinance.

Commissioner Robertson asked if that would allow a family buying a home with a single-car garage to add a pad after-the-fact.

Commissioner Simon replied it would not. She asked if the motion would pertain to homes with double-car garages with pads as well.

Commissioner Niemioja replied it would not.

Mr. Hunting was concerned that this would be unenforceable as it would be difficult to know what was grandfathered in or not.

Commissioner Niemioja asked if recreational vehicles needed some kind of licensure.

Commissioner Simon asked if they would have needed a permit for the parking pad.

Mr. Hunting replied that permits have only been required for parking pads for the last couple of years. There is also the issue of what was the parking pad used for. Any vehicle, whether recreational or an automobile, is supposed to be parked on a paved parking pad so he was not sure how they would be able to define what they were trying to get to.

Commissioner Gooch asked for clarification of a parking pad versus a driveway.

Mr. Hunting replied that parking pads are specific areas connected to the driveway.

Commissioner Gooch asked about a wide driveway going towards the garage.

Mr. Hunting replied if it was wide from the property line back to the garage it would likely look at as a driveway rather than a pad.

Commissioner Gooch asked if a home with a single-car garage had a driveway that started out as a single-car driveway at the property line that widened to a two car driveway, would the wings near the garage be considered parking pads or part of the driveway.

Mr. Hunting replied those would be parking pads because they were not within the boundaries of the garage itself.

Commissioner Gooch asked for clarification regarding a circular driveway

Mr. Hunting replied that Council had a difficult time with that situation. With a circular driveway they have to look at what is the area that is going to lead you to the garage. He showed an example on the overhead and pointed out the area that would be considered the driveway and the area on which recreational vehicle parking would not be allowed.

Commissioner Scales felt they were mixing storage with use and parking. He stated in an instance like this the owner should be able to park anything anywhere on the circular driveway.

Commissioner Klein stated that is what driveways are for.

Commissioner Scales stated recreational vehicles should be moved to a proper storage area in the fall when an owner parks it for the winter. If a vehicle is stored in the wrong place it should be dealt with through enforcement; if it is parked there in the summer it is being used. He was concerned they were trying to create an ordinance for something that was not actually an issue.

Commissioner Niemioja responded that according to the emails received there was an issue. In regard to her motion, she advised that if there was an enforcement issue on a home with a single-car garage it would be up to the property owner to produce a license or proof of purchase that proves they would be grandfathered in.

Commissioner Scales questioned whether receiving only five emails from the 13,000 households in the City proved there was an issue.

Commissioner Gooch stated this does not prevent anyone from parking their RV's in their driveways; it would only inconvenience them as they would have to either keep moving them or walk around them or they may choose to park them in the street.

Commissioner Robertson asked if RV's were allowed to be parked on city streets.

Mr. Link replied that the City Council adopted regulations a few months ago which restricted parking on streets. He did not recall all the specifics, but it included not being able to park on a public street for more than 24 consecutive hours in one location and required that recreational vehicles parked on the street had to be hitched to a vehicle.

Commissioner Gooch stated another option for residents would be to park their RV on the driveway and park their automobile on the pad.

Commissioner Scales noted that owners of a home with a single-car garage would not be able to get to their garage if they had an RV parked in the driveway.

Commissioner Gooch replied they could get to their garage; they would just have to move the RV back and forth.

Commissioner Niemioja restated her motion to approve the amendment with the exception that homes with single-car garages that already have a recreational vehicle would be grandfathered in and the responsibility to prove that they should be grandfathered in would be on the homeowner.

Commissioner Robertson asked Commissioner Niemioja if she was saying the property owner had to show proof that they bought the recreational vehicle or would it be the pad that would be grandfathered in.

Commissioner Niemioja replied the vehicle.

Commissioners Robertson and Gooch felt that would be difficult for the City to enforce.

Mr. Hunting stated the Code does not address or specify the difference between parking and storage; it would be too hard to enforce. An option would be if you have a single width driveway leading to a single-car garage you allow them either a parking pad or some other option to park their recreational vehicles.

Commissioner Robertson supported that option as installing a new pad would require a permit which would address issues such as setbacks and impervious surface maximums.

**Commissioner Niemioja restated her motion to approve the amendment to the ordinance with an exception that all single car garages would be grandfathered in with their existing parking pad.**

Commissioner Robertson suggested Commissioner Niemioja add verbiage allowing individuals with single-car driveways and single-car garages the option to request a permit to build a parking pad.

Commissioner Niemioja stated that verbiage was not part of her motion.

Commissioner Scales suggested allowing parking pads to be used for recreational vehicle parking, no matter what size the garage was.

Mr. Hunting stated that is how the current ordinance reads.

Commissioner Niemioja stated she did not want to include verbiage allowing for families going forward to build a new pad. She felt new homeowners would know what the limitations were and if they wanted the ability to park a recreational vehicle in the front yard they would either have to buy a house with a parking pad or larger garage, decide not to have the vehicle, or figure out some other alternative.

**Commissioner Robertson seconded the motion.**

Commissioner Lissarrague asked for clarification regarding grandfathering.

Commissioner Scales stated it would be difficult to enforce.

Mr. Hunting stated because you are addressing an improvement on a property staff may be able to track it. He recommended that they not address recreational vehicles and whether or not they were there prior to the ordinance, but rather he suggested if a home with a single-car garage has an existing parking pad it should be allowed to be used for any purpose.

**Motion carried (5/3 - Klein, Scales, Gooch). This item goes to City Council on April 25, 2016.**

Commissioner Lissarrague clarified that the grandfathering was on the property, not the homeowner.

**OTHER BUSINESS**

Mr. Hunting and Ms. Botten reminded Commissioners to RSVP for the Commissioner Appreciation Dinner scheduled for April 14 at 6:30 p.m.

The meeting was adjourned by unanimous vote at 9:31 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

DRAFT



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

North	Large lot residential; zoned A, Agricultural; guided Community Commercial
West	Mini Storage; zoned B-3, General Business; guided Community Commercial
South	80 <sup>th</sup> Street and Hwy 55
East	Large lot residential; zoned A, Agricultural; guided Community Commercial

### **INTERIM USE ORDINANCE AMENDMENT**

An interim use is defined as a temporary use of a property until a particular date, occurrence of a particular event, or until zoning regulations no longer permits. Interim uses are typically uses that are not appropriate based upon strict application of Zoning Code restrictions, existing development and proposed future land-use plans, however, they may have merit as uses for some intermediary period of time.

The Interim Use Ordinance is set up so that each allowed use is listed specifically in the ordinance. Therefore the ordinance must be amended each time a new use is approved. In this case, the ordinance would need to be amended to add “contractor’s yard with outdoor storage” as an interim use in the A, Agricultural District.

### **INTERIM USE PERMIT**

The interim use of a contractor’s yard on this site would not have an impact on public health or existing or planned City facilities. The property is located within the Northwest Area and the area is anticipated to develop with commercial or possibly higher density residential once sewer is available. The extension of 80<sup>th</sup> Street will run in the vicinity of this parcel, but there is no specific timetable for when this will occur. It will most likely occur once the area develops.

With an interim use, staff recommends that no further improvements be allowed for the contractor’s yard such as adding buildings, paving or grading other areas for storage. The intent of an interim use is to allow a temporary use that will not hinder or impede future development of the parcels or surrounding parcels according to the comprehensive plan. In this case, allowing open storage of landscape trucks and equipment is not affecting the future use of the property and would not hinder or add to the cost of redevelopment.

### **ALTERNATIVES**

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

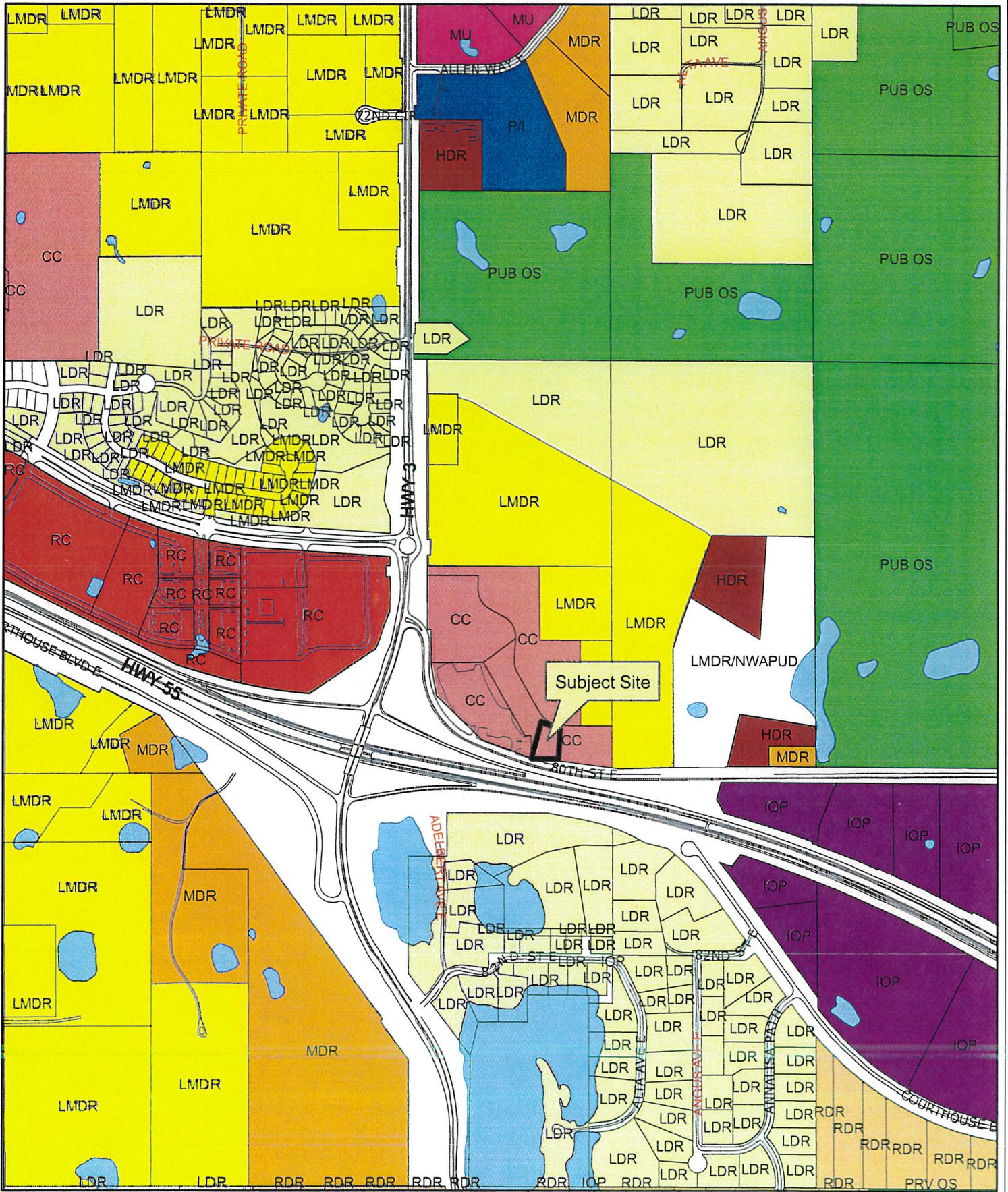
- A. **Approval.** If the Planning Commission finds the application to be acceptable, the following actions should be recommended for approval:





# Location Map

## Case No. 16-13IUP



Alfred Willenbring  
1225 80<sup>th</sup> St E  
Inver Grove Heights, MN 55077

March 25<sup>th</sup>, 2016

**Inver Grove Heights – Interim Use Permit Request**

I am requesting an interim use permit for a period of 5 years, so that my current tenant may continue to store their vehicles and equipment on a portion of my property, located at 1185 80<sup>th</sup> St E.

The tenant is located on the South Side of the lot and currently occupies approximately 0.66 acres.

There is no water or electricity servicing this section of the property.

The primary use of the property is for the storage of vehicles and landscaping equipment. It is not open to the public and is marked as private property.

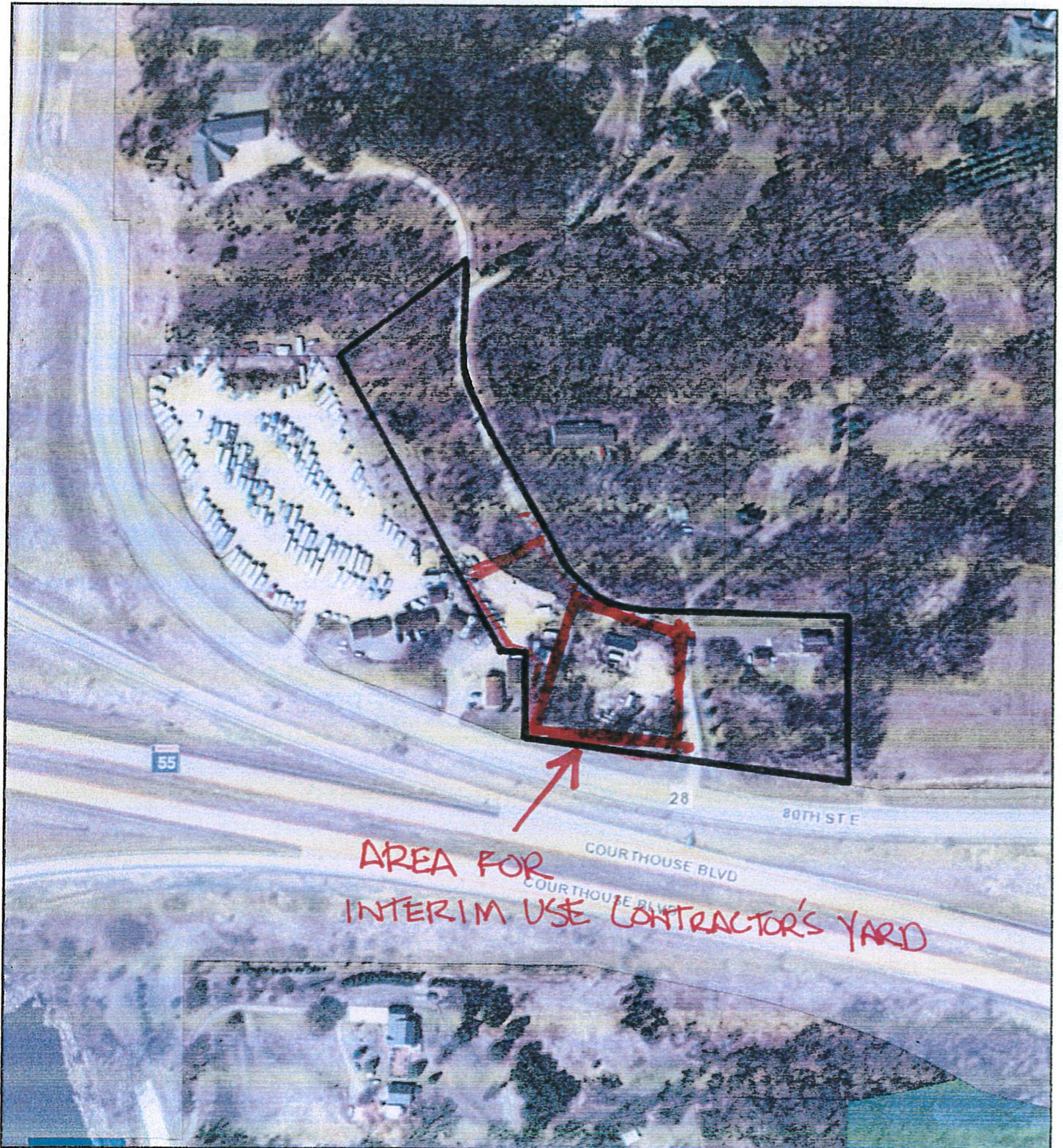
There is currently a shed and a couple shipping containers on site. No permanent structures will be placed on the property.

Property maintains a neat appearance and the current tree line along the perimeter is to remain.

Sincerely,

Alfred Willenbring

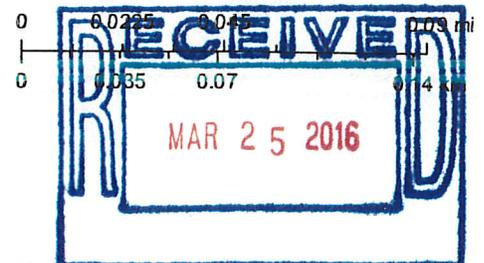
# My Map



March 25, 2016

- |   |             |   |                        |   |             |
|---|-------------|---|------------------------|---|-------------|
|  | 2016        |  | Tax Parcel             |  | Pending New |
|  | 2015        |  | Dedicated Right of Way |   |             |
|  | 2014        |  | Water                  |   |             |
|  | 2013        |  | Multi-owner Parcel     |   |             |
|  | 2012        |  | Water in Tax Parcel    |   |             |
|  | Tax Parcels |  | Right of Way Easement  |   |             |

1:2,700



**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:** April 28, 2016

**CASE NO:** 16-18X

**HEARING DATE:** May 3, 2016

**APPLICANT:** City of Inver Grove Heights

**PROPERTY OWNER:** N/A

**REQUEST:** Review of Capital Expenditure associated with the purchase of Right-of-Way for Argenta Trail within Blackstone Ridge

**LOCATION:** Future Alignment of Argenta Trail within Blackstone Ridge

**COMPREHENSIVE PLAN:** N/A

**ZONING:** N/A

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner  
Scott Thureen  
Public Works Director

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**BACKGROUND**

On March 23, 2015, the City Council adopted Resolution No. 15-49 that selected an alignment for the future realignment of Argenta Trail from Trunk Highway 55, north to I-494. At that same meeting, the City Council adopted Resolution No. 15-50. That resolution requested that Dakota County prepare a joint powers agreement with the City addressing the acquisition and dedication of a 265-foot-wide strip of land along the west side of the plat of Blackstone Ridge for the future realignment of Argenta Trail. That document referenced a payment to the owner in the amount of \$2,311,000.

On April 7, 2015, the City Council adopted Resolution No. 15-65. That resolution approved a Comprehensive Plan amendment to amend Chapter 5 - Transportation identifying the realignment of Argenta Trail to reflect the southern and northern alignment between Trunk Highway 55 and I-494.

The aforementioned joint powers agreement is tentatively scheduled for City Council consideration in May. It identifies from the \$2,311,000 payment to the owner of the property will be shared by the City and the County.

Per State Statutes, the Planning Commission must review capital improvement projects for consistency with the Comprehensive Plan (Minnesota Statute 462.356 subd. 2).

### **EVALUATION OF THE REQUEST**

Compliance with the Comprehensive Plan. Minnesota Statutes requires the Planning Commission to review capital improvement projects to verify they are in compliance with the City's Comprehensive Plan.

The capital improvement project is consistent with the comprehensive plan amendment adopting the alignment of Argenta Trail. The project would be consistent with the Transportation Chapter of the Comprehensive Plan.

### **ALTERNATIVES**

A. **Approval.** If the Planning Commission finds the request acceptable, the following actions should take place:

- An Approval recommendation that capital expenditure a part of the joint powers agreement for the purchase of right-of-way for Argenta Trail within Blackstone Ridge is consistent with the Comprehensive Plan.

B. **Denial.** If the Planning Commission does not find the proposed project consistent with the Comprehensive Plan, the above request should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

### **RECOMMENDATION**

The City Engineer and Planning Staff both recommend the project expenditure be found consistent with the Comprehensive Plan.

Attachment: Map of Blackstone Ridge showing right-of-way area

