

**INVER GROVE HEIGHTS CITY COUNCIL MEETING**  
**MONDAY, July 8, 2024 - 6:00 P.M. - 8150 BARBARA AVENUE**

**1. CALL TO ORDER:**

The City Council of Inver Grove Heights met in regular session on Monday, July 8, 2024. Mayor Dietrich called the meeting to order at 6:00 p.m. The Pledge of Allegiance was recited.

**2. ROLL CALL:**

Present In-Person: Mayor Dietrich; Council Members: Murphy, T’Kach, Gliva and Scales  
Staff Present: City Clerk Kiernan, City Administrator Wilson, City Attorney Nason, City Engineer Merchlewicz, Communications Manager Looze, City Planner Hunting, Parks and Recreation Director Lares, Recreation Superintendent Dorshak, Recreation Coordinator Swenhaugen, and Fitness Coordinator Crary

**3. APPROVAL OF AGENDA:**

**Motion to approve agenda as published by T’Kach, second by Gliva.**

**Ayes: 5**

**Nays: 0          Motion carried.**

**4. PRESENTATIONS:**

**A.** Award of Excellence – Minnesota Recreation and Parks Association

Mayor Dietrich introduced the Assistant Parks and Recreation Director for the City of Eagan Jared Flewellen to present this award. Flewellen represents the Minnesota Recreation and Parks Association (MRP). MRP’s Award of Excellence was created to recognize agencies and their staff for an outstanding and unique project from the previous year. The 5<sup>th</sup> Quarter showcased the qualities of community engagement, local partnership with Spark and involvement with youth. Flewellen presented the award to the Parks and Recreation and Spark staff.

**B.** Parks and Recreation Month Proclamation

Mayor Dietrich read the Proclamation making July Parks and Recreation Month.

**5. CONSENT AGENDA:**

**A.** Approval of Minutes of the June 10, 2024 City Council Meeting

**B.** Approval of Disbursements, **Resolution 2024 -130**

**C.** Personnel Actions

**D.** Temporary Off-Site Gambling Permit for Moose Lodge #1088, **Resolution 2024-131**

**E.** Resolution Approving Lawful Charitable Gambling Premises at Pizza Pub, **Resolution 2024-132**

**F.** Resolution Appointing Election Judges for the 2024 State Primary and General Election, **Resolution 2024-133**

- G.** Resolution Awarding a Contract to WSB for Final Design and Bidding Services for City Project No. 2025-9D and 2025-09E, **Resolution 2024-134**
- H.** Resolution Scheduling Public Hearing for 2025 Pavement Management Project 2025-09G, **Resolution 2024-135**
- I.** Resolution Retaining Bucket Truck #307, **Resolution 2024-136**
- J.** Resolution of Support for Livable Communities Grant Application - Lupe Development, 6050 Cahill Ave., **Resolution 2024-137**

**Motion to approve consent agenda items 4A - 4J by Scales, second by T'Kach.**

**Ayes: 5**

**Nays: 0      Motion carried.**

## **6. PUBLIC HEARINGS**

**A.** Temporary One-Day Liquor License for IGH Parks and Recreation Department  
Clerk Kiernan presented one temporary liquor license for the food truck event in conjunction with the July 18<sup>th</sup> event at the Rich Valley complex. Notice was published in the June 28<sup>th</sup> edition of the Pioneer Press and Staff recommends approval.

**Motion to close public hearing by T'Kach, second by Gliva.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**Motion to approve temporary one-day Liquor License for IGH Food Truck Days by Murphy, second by Gliva.**

**Ayes: 5**

**Nays: 0      Motion carried.**

## **7. REGULAR BUSINESS:**

**A.** Rental Housing Licenses

City Administrator Wilson presented two rental housing licenses that have been reviewed by Staff and found to be eligible for licenses.

**Motion to approve two Rental Housing Licenses at the addresses of 7007 River Road and 7299 Babcock Trail by Gliva, Second by T'Kach.**

**Ayes: 5**

**Nays: 0      Motion carried.**

**B. First Reading of an Ordinance Amending Various Provisions of Title 10, Zoning Regulations, Resolution 2024-138**

City Planner Hunting presented this item. The revisions are mainly focused on multiple family zoning, which includes some parking regulations.

Overview / Goals

- Simplify and Clarify multi-family zoning regulations (R-3A, R-3B and R-3C)
- Make density of the three zoning districts consistent with City's Comp Plan
- Focus more on density than building type
- Consolidated performance standards, parking regulations, etc. that were in multiple sections of the code
- Remove specific "townhome" and "apartment" sections
- Make multi-family housing a permitted use in the multi-family zoning districts (currently a conditional use - requiring a CUP process)
- Modify parking standards for multi-family development
- Amend NWA overlay district language regarding allowable unit mix within a PUD

Proposed Changes - Zoning Code Consistency with the Comprehensive Plan

| Zoning District | Corresponding Comp Plan Guiding                             | CURRENT Density in Zoning Code | Proposed Density in Zoning Code |
|-----------------|-------------------------------------------------------------|--------------------------------|---------------------------------|
| R-3A            | Low-medium Density Residential (LMDR), 4 - 8 units per acre | Up to 6 units per acre         | 4 to 8 units per acre           |
| R-3B            | Medium Density Residential (MDR), 8 - 12 units per acre     | 7 to 12 units per acre         | 8 to 12 units per acre          |
| R-3C            | High Density Residential (HDR), 12 - 35 units per acre      | More than 12 units per acre    | 12 to 35 units per acre         |

**R-3A:**

- Lowest density of the multi-family zoning districts
  - Currently "up to 6 units per acre"
  - Proposed at 4 to 8 units per acre
- Consistent with Low-Medium Density (LMDR) guiding
- Only multi-family district recommended to maintain a building type restriction
  - Buildings of 4 units or less

**R-3B:**

- Middle density of the multi-family zoning districts
  - Currently 7 to 12 units per acre
  - Proposed at 8 to 12 units per net acre
- Consistent with Medium Density (MDR) guiding

**R-3C:**

- Highest density of the multi-family zoning districts
  - Currently more than 12 units per acre
  - Proposed at 12 to 35 units per net acre
  - Zoning code does not currently have a max # of units - but Comp Plan does
- Consistent with High Density (HDR) guiding

### Changes across All 3 Zoning Districts (R-3A, R-3B and R-3C)

- Changing from Conditional Use to Permitted Use
  - Still provides public process through Major Site Plan Review and Platting
- Changing lot area to be consistent with comp plan density ranges
- Modify some setback and bulk standards to eliminate inconsistencies
- Restructure some performance standards so they are located in the corresponding sections of the code, i.e., parking standards and setbacks, exterior materials, screening

The current code for multi-family zoning has multi-family residential as a conditional use. The proposal is to change it to a permitted use. The code still requires a public review process including platting and site plan review.

### Parking Requirements:

- Consolidating all performance standards related to parking to the parking chapter of the Code (10-15A-3) for ease of finding the requirements
- Proposed standards:
  - Reduce requirement from 2.5 to 2 parking stalls per unit
  - Require 1 of the 2 stalls to be enclosed or underground
  - Plus 1 stall of visitor parking for every 6 units
  - Developer could get approval for fewer parking spaces via a PUD or variance

### Parking Standards for Multiple Family Projects in Select Cities:

|               |                                                                                                                         |
|---------------|-------------------------------------------------------------------------------------------------------------------------|
| Woodbury      | 2.5 spaces per unit or 2 spaces per unit if 1 space is provided underground                                             |
| Eagan         | 1 enclosed or underground space per unit and 0.5 outdoor parking spaces per unit                                        |
| Cottage Grove | 2 spaces per unit. Additional guest parking required based on 1.5 spaces for every 10 units                             |
| Rosemount     | 2 spaces per unit                                                                                                       |
| Plymouth      | Townhome - 2.5 spaces per unit of which 2 must be enclosed. Apartment - 1.8 spaces per unit of which 1 must be enclosed |

### Development Examples (Inside and Outside the NWA)

Project with 100 Apartment Units:

| Outside the NWA                                       |                                 | Inside the NWA                          |                                                                    |
|-------------------------------------------------------|---------------------------------|-----------------------------------------|--------------------------------------------------------------------|
| Current Standard                                      | Proposed Standard               | Current Standard                        | Proposed Standard                                                  |
| 250 spaces or 200 spaces with proof of parking for 50 | 200 spaces plus 17 guest spaces | 188 spaces of which 94 must be enclosed | 150 spaces plus 25 guest spaces (175) of which 88 must be enclosed |
| Ratio 2.5:1                                           | Ratio 2.17:1                    | Ratio 1.88:1                            | Ratio 1.75:1                                                       |

Project with 300 Apartment Units:

| Outside the NWA  |                   | Inside the NWA   |                   |
|------------------|-------------------|------------------|-------------------|
| Current Standard | Proposed Standard | Current Standard | Proposed Standard |

|                                                        |                                       |                                          |                                                                     |
|--------------------------------------------------------|---------------------------------------|------------------------------------------|---------------------------------------------------------------------|
| 750 spaces or 600 spaces with proof of parking for 150 | 600 spaces plus 50 guest spaces (650) | 563 spaces of which 282 must be enclosed | 450 spaces plus 75 guest spaces (525) of which 263 must be enclosed |
| Ratio 2.5:1                                            | Ratio 2.17:1                          | Ratio 1.88:1                             | Ratio 1.75:1                                                        |

### **Mixed Unit Types in NWA (see Table 13J-2)**

- NWA Overlay district currently allows a broader mix of housing types in the multi-family districts than are allowed in those districts outside of the NWA
- Seeing more proposals that want to take advantage of this by mixing single-family, townhome and apartment buildings of various sizes within one development
- Currently, when a proposed unit mix conforms to the Comp Plan then it conflicts with the Zoning Code and vice versa
- Proposing to delete Table 13J-2 and replace with language that allows mixture of single-family, townhomes and apartment buildings - as long as the PUD meets minimum and maximum density requirements of Comp Plan designation and zoning district (which will now match)

City Council is requested to take action to adopt the proposed ordinance amendments relating to multiple family developments, parking related to multiple family developments and Northwest Area Overlay District changes to the unit type density table.

Mayor Dietrich asked how current the parking space requirements were for the other cities were.

Planner Hunting said he did not request that information but some of the standards are similar to our current code.

Council Member Murphy asked if this reduces Council's ability to legally say no to a development that they do not feel fits in the NWA.

Planner Hunting said in 2021 - 2022 the proposed development for At Home Apartments had requested to build a mix of residential types including twin homes, townhomes, and apartment buildings. The proposed development was at the low end of the comprehensive plan designations, and it did not fit well in the ordinance. One area was guided MDR, and the other area was guided HDR. The developers wanted to downgrade from HDR to MDR. The ordinance would not permit this type of product mix even though it was at the low end of the required density. The development did not move forward. The proposed revisions to the code remove some of the issues that prevented this development from moving forward. There is verbiage in the code that would allow Council to approve a development similar to At Home Apartments, but it could also be denied since it did not meet the code requirements. The PUD section of the code says Council could be flexible with the code standards for the purpose of creating a better overall design or improved living environment but not solely for the economic benefit of the developer. The NWA ordinance currently says the total number and location of the units should be established by the Council at time of final PUD approval. The amendment would remove some specific requirements and provide developers more opportunity to be creative in their design.

Council Member Murphy asked if the NWA overlay is part of what is being changed or if it reduces Council's control.

Planner Hunting said removing the table would reduce restrictions on a developer planning a mixed development. Developers want to have mixed building types and it is difficult with the restrictions in the table.

Council Member Murphy said he remembered the maximum units per building was an issue and this update would focus on density as a whole. He asked if this would take more control away from the Council.

Planner Hunting said the current code would permit a certain percentage of unit types. They are proposing to remove the percentage restriction and allow more of a certain type of building as long as the development meets the minimum density in the comp plan.

Council Member Murphy asked why multi-family is currently a conditional use in the NWA and if it was to add control.

Planner Hunting said multi-family residential is a permitted use in the NWA but has to be done by a PUD. Outside the NWA multi-family residential is currently a conditional use. The building size limits have been the same since the code was written in 1965 and multi-family residential as a conditional use may have been carried over with the original code.

Council Member Murphy said he agrees the code needs to align with the comp plan but wants to maintain the current level of control in the NWA since it is a difficult area in Inver Grove Heights. He would support further work on the code and revisiting it at another time.

Planner Hunting said there are options to keep the unit type in the code or suggest a number greater than seven units per building.

Council Member Gliva asked if the change in units per acre for R-3A from "up to 6 units per acre" to 4 to 8 units per net acre was to match the comp plan.

Planner Hunting said it is to match the comp plan and align R3A zoning with LMDR guiding that permits up to 8 units per acre. The City is required to update zoning requirements to match the comp plan and currently they are not aligned.

Council Member Gliva asked if they were out of compliance since the guiding and zoning do not match.

Planner Hunting said in this area they were, and it needs to be fixed.

Council Member Gliva asked if a current developer would have to abide by the 6 units per acre.

Planner Hunting said they would be restricted by the R3-A zoning and only be permitted to develop up to 6 units per acre.

Council Member Gliva asked if the R3-A zoning would override the LMDR guiding of the comp plan.

Planner Hunting said the R3-A zoning is what the developer would have to follow. The comp plan is the overall guiding for the area and the codes need to be updated to reflect the guiding of the comp plan.

Council Member Gliva asked if they have been in a situation where a developer noticed the mismatch.

Planner Hunting said that he cannot recall a situation where it was noticed.

Council Member Scales said he does not see the proposed updates as losing control but sees them as being flexible. The City has been aligning codes throughout the last year and he thinks it works well and this provides flexibility for developers. He said he is supportive of the changes.

Council Member T'Kach said they have the opportunity to allow developers more creativity to develop a better product for Inver Grove Heights and it results in the same densities. She asked if the requirement to show proof of parking was being removed and developers would have to build the required number parking spaces.

Planner Hunting said the proposal is a firm build of a certain number of parking spots as opposed to dedicating a large area for parking. The example of the apartment building with 100 units currently would have to build 250 spaces or 200 spaces with proof of parking for 50 additional spaces. The proposed standard would be a firm build of 217 spaces, which is only 17 more spaces than the current standard and would not require the open space for proof of 50 parking spaces.

Council Member T'Kach asked if there were any requirements for sidewalks throughout the developments.

Planner Hunting said there is a requirement to provide sidewalk on one side of a public street but there is no requirement within a development. They have been seeing more developments with sidewalks but there is no requirement within the code because it may work in some developments but not in others.

Council Member T'Kach asked if PUDs required a homeowner's association.

Attorney Nason said PUDs do not require a homeowner's association but typically there is one. Within the code there are certain requirements that have to be met by different entities. In the NWA stormwater management has to be managed by a homeowner's association unless it is overseen by the city.

Council Member T'Kach said there are many homeowner's associations, and some are very restrictive. She wonders if they are contributing to the restrictions by requiring an HOA as part of a PUD.

Planner Hunting said in the NWA an HOA is needed because of the different stormwater systems as a means to ensure the money is collected to maintain the systems.

Council Member T'Kach asked if it is required outside of the NWA.

Planner Hunting said he does not think an HOA is required outside of the NWA, but he can verify that information.

Council Member Murphy said he believes they are on the right path and that it does need to be cleaned up to avoid confusion. He asked if removing the table would remove some control from Council.

Planner Hunting said there would not be specific unit maximums for a building or a percentage of product type mixes. It gives more flexibility to a developer to provide what they think fits on the land. Removing these restrictions allows developers more options.

Council Member Murphy said he is not comfortable with Council giving up control to developers in the NWA. He asked Attorney Nason if Council would change this code if it would have changed the conversation with the At Home Apartments developers or change any control that the Council and neighbors currently have.

Attorney Nason said it would be a different conversation. Within the NWA there are different layers of regulations. There are the NWA standards, the PUD standards, and the underlying zoning district standards. The At Home Apartments was in an R3-B zoned area and there is a current limitation allowing only 50% of the units in buildings with five units or more. The NWA standards said five plus units with no maximum unit number. This led to questions of how many units an apartment building in the NWA could have and still follow code. The proposed changes would eliminate the question since the R3-B would no longer have a maximum number of units. It seems to be a challenge to developers to meet the different types of building requirements in the current table.

Council Member Murphy asked if the proposed changes are approved could they legally have said no to a development because they did not want an apartment building on the highest point of Inver Grove Heights.

Attorney Nason said it is a difficult question because there are multiple layers of questions that needed to be answered before the Council could have approved the project. The proposed revision removes some of the areas in the code that could be cited to deny the development. There is a process that allows the Council to modify some requirements to approve a project if it finds the project is in the best interest of the city. All of the regulations apply but there is room for flexibility if certain criteria are met.

Council Member Murphy asked if they were giving up some control but not to the extent that they would not have been able to say no to the development.

Attorney Nason said Council is losing some constraints in the code that could be used as reasoning for denying a project. The code says the total number of housing units and housing types for a specific project will be determined by City Council at the time of PUD plan approval. If a developer proposes an apartment building that meets all of the criteria for the area, it is more difficult for the Council to be able to point to language in the code to support denying the project without it being considered arbitrary.

Administrator Wilson said if the concern is the development proposed a development on a geographical point of the city, the property should be rezoned. If the concern of the Council

is not wanting a large apartment building in any area zoned R3-B, Staff will need to revise the ordinance to state a specific number of units permitted per building in the zoning. In R3-A zoning, the maximum is a four-plex. There is no maximum unit count in the proposed R3-B and R3-C zoning codes. The R3-C zoning has a maximum of 35 units per acre. If Council is concerned with controlling building size, they can direct Staff to revise the ordinance to include maximum units per building in accordance with the comp plan.

Council Member Murphy said adding maximums in the ordinance is an important point and retains Councils control.

Council Member T'Kach asked what the maximum units per acre are in the R3-B zone.

Planner Hunting said it is 8 to 12 units per net acre.

Council Member T'Kach said a developer would have to have at least ten acres of net buildable land to develop a 120 unit building. That could give us the density and size boundary. A developer could not own three acres and develop a 200 unit development on a property zoned R3-B.

Council Member Gliva asked if a developer had three acres and chose to build one building in the highest geographical point in the property.

Planner Hunting said in the NWA there are height requirements of 56 feet tall for property zoned R3-B and 70 feet for property zoned R3-C. With a three acre property they would have a maximum of 36 units and the code does not dictate where the building would have to be as long as setbacks are met.

Council Member Scales said they currently do not have control over where a developer builds on their property. The height requirements do limit developers and he does not see this as a loss in control.

Council Member Murphy said with potential state legislature and proposals from developers he is more comfortable having a maximum number of units per building in the code.

Public Comment:

Kathryn Domagall - 3738 Conroy Trail - said she lives in a townhome community that has 2.4 parking spaces per unit and they have parking issues. She asked if the proposed changes to two parking spaces per unit were for townhomes or for apartment buildings. Snow removal is a concern.

Planner Hunting said he thinks the current code is 2.5 parking spaces for unit including a garage space, a driveway space and the developer would have to provide 0.5 spaces per unit somewhere in the development. The current proposal for two spaces per unit for structures with three or more units and one must be enclosed. It is not a large change from the original code. There are typically two car garages and two parking spaces in the driveway exceeding the requirement.

Jerica Gomez - 7007 River Road - said the zoning code should always match the comp plan.

Mayor Dietrich said less parking would require more frequent hauling of snow and it is a lot for residents to move their vehicles when this is required. She asked how the parking was determined.

Planner Hunting said the code does not address snow storage and it was not looked at when looking at other cities. This is usually addressed during the development phase. The developers typically say they provide notice and residents will need to move their cars.

Mayor Dietrich asked for the current motion to be repeated.

Administrator Wilson said Council Member Murphy made a motion to approve the motion with an addition of a unit maximum in the R3-B and R3C districts. If that is the will of the Council, it may be best to bring this back to allow Staff to provide a new ordinance with the unit maximum in the ordinance.

Mayor Dietrich asked Council Member Murphy if he would consider withdrawing his motion and make a motion to table the item.

Council Member Murphy withdrew his initial motion.

Mayor Dietrich asked if any Council Members had an issue with the parking.

Council Member Scales said he always has concerns with parking but thinks the parking is fine.

Council Member Gliva said Inver Grove Heights does not have a lot of transit compared to the other cities that were provided and there are a lot of drivers.

Mayor Dietrich said Inver Grove Heights is not a walkable city and residents need some type of transportation.

Planner Hunting said they understand there is no transit, and it is not an advantage to them to provide a project that does not have enough parking. There still can be two cars or more per unit but the majority of these developments are designed with studio and one-bedroom units instead of three or more bedrooms.

Council Member T'Kach said developers do not want to overbuild due to the cost of land. If they make it easy for people to continue to drive everywhere it will be harder to get people to transition and harder to get more transit into Inver Grove Heights. They are seeing studio and one-bedrooms.

Council Member Scales said he does not want to reduce parking to force residents to do something. He wants to do it because that is what the market needs. It should not be to force residents into something.

Council Member T'Kach said she has no intention of using land-use to force people into certain habits or opportunities.

**Motion to approve First Reading of Ordinance with addition of maximum number of units for R3-B and R3-C Districts by Murphy.**

**Motion to withdraw first motion by Murphy.**

**Motion to table First Reading of Ordinance 1481 Amending Various Provisions of the Inver Grove Heights City Code Title 10, Zoning Regulations to adjust current proposed modifications with adding maximum units in R-3B and R-3C by Murphy, second by Gliva.**

**Ayes: 4**

**Nays: 1 (T’Kach) Motion carried.**

**8. PUBLIC COMMENT:**

Jerick Gomez - 7007 River Road - said she is developing a rental property on River Road. The City disallowed temporary rental licenses. She had developed it to be temporary rentals for cash flow. She asked what the opportunities she has for the property.

Mayor Dietrich said they do allow rental properties but not short-term rental properties. Rental terms would need to be 30 days or longer. She asked Administrator Wilson when the temporary rentals will no longer be permitted.

Administrator Wilson said it takes effect April 1, 2025. She said short-term rentals are permitted for homesteaded properties where the property owner is living onsite.

**9. MAYOR AND COUNCIL COMMENTS:**

Council Member Scales said Hangry Joe’s Chicken is excellent but very spicy.

Mayor Dietrich said she is proud of the Inver Grove Heights Parks and Rec department and encouraged residents to go out and enjoy the trails.

Council Member T’Kach said she attended the League of Minnesota Cities conference in June and found it valuable. There was a lot of information related to how cities engage their communities, business growth, housing, and climate resiliency. She encourages Council to attend and appreciated the opportunity.

**ADJOURN:**

**Motion to Adjourn at 7:25 p.m. by Scales second by Gliva.**

**Ayes: 5**

**Nays: 0 Motion carried.**

Minutes prepared by Recording Secretary Sara Lyons

