

**INVER GROVE HEIGHTS  
PLANNING COMMISSION AGENDA**

**Tuesday, August 15, 2017 – 7:00 p.m.  
City Council Chambers - 8150 Barbara Avenue**

**1. CALL TO ORDER**

**2. APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 2, 2017**

**3. APPLICANT REQUESTS AND PUBLIC HEARINGS**

**3.01 WIDSETH SMITH NOLTING (RIVER HEIGHTS CHURCH) - CASE NO. 17-32V**

Consider a **Variance** from the front yard setbacks to allow a building addition 50 feet from the front property line whereas 75 feet is required for the property located at 6070 Cahill Avenue.

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

**3.02 CITY OF INVER GROVE HEIGHTS - CASE NO. 17-33ZA**

Consider a **City Code Amendment** to prohibit transient lodging (short-term rentals) of residential property.

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

**4. OTHER BUSINESS**

**4.01 Comprehensive Plan Update**

**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**

Wednesday, August 2, 2017 – 7:00 p.m.  
City Hall Chambers - 8150 Barbara Avenue

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

Commissioners Present: Tony Scales  
Armando Lissarrague  
Dennis Wippermann  
Jonathan Weber  
Luke Therrien  
Joan Robertson  
Elizabeth Niemioja

Commissioners Absent: Annette Maggi (excused)  
Pat Simon (excused)

Others Present: Allan Hunting, City Planner

### **APPROVAL OF MINUTES**

The July 5, 2017 Planning Commission minutes were approved as submitted.

### **ALAN AND LLONI BEBEL – CASE NO. 17-30V**

#### **Reading of Notice**

Commissioner Robertson read the public hearing notice to consider the request for a variance from the minimum lot width requirements to subdivide the parcel located at 8915 Alverno Avenue. 7 notices were mailed.

#### **Presentation of Request**

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant would like to subdivide their 5.8 acre property into two lots. In order to do so a variance from the minimum lot width requirement is being requested as the lots would not meet the 200 foot minimum. If the variance is approved they will proceed with the preliminary and final plat process. The property was larger but in 2000 Council approved a waiver of plat to divide off 2.5 acres. The new parcel was then rezoned to E-1, with the balance remaining Agricultural. In 2005 the applicant came forward again and divided off another 2.5 acre parcel; both parcels were rezoned to E-1 at that time which requires a minimum of 2.5 acres. The proposed lots would meet or exceed the 2.5 acre minimum. The new lot would have its own access onto Alverno Avenue. The proposed lots would be consistent with the surrounding area which is mostly E-1 or E-1/PUD. Mr. Hunting stated that typically the lot area is more important to review than the lot width as they want to ensure there is enough area for a building site and permanent and alternate drainfields. In this case the proposed parcels are over 2.5 acres so lot area is not an issue. Staff recommends approval of the lot width variance with the conditions listed in the report.

Commissioner Wippermann asked what the width was of the lots north and south of the subject property.

Mr. Hunting replied that the lot to the south was 201 feet wide and the lot to the north was 200 feet.

Commissioner Lissarrague asked if it was unusual to have a 5.8 acre parcel in the E-1 zoning district.

Mr. Hunting replied that it was a little unique. He added that when the development came through in 2005 staff recommended E-1 zoning for the southerly lot and Agricultural zoning for the 5.8 acre parcel. The Planning Commission, however, recommended to City Council that the entire parcel be rezoned to E-1, which indicates that the Planning Commission at that time recognized the potential for future development.

Commissioner Lissarrague asked if staff knew of any other five acre lots zoned E-1.

Mr. Hunting replied there likely were some in existence in larger areas rezoned at some point in time; however, this was unique in that the property was divided and rezoned at the same time at the Planning Commission's recommendation.

Commissioner Robertson asked for clarification of access points for the proposed lots and whether the two lots would share a driveway.

Mr. Hunting replied that they would have separate driveways; the north half would utilize part of an existing driveway and the new southerly lot would have its own access onto Alverno Avenue.

Commissioner Wippermann asked what staff considered the practical difficulty.

Mr. Hunting replied the uniqueness of the creation of the 5.8 acre parcel, its consistency with the development pattern of the area, that it's not affecting the character of the neighborhood, and is a reasonable use of the land.

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

Loni Bebel, 3852 North Ridge Drive, Eagan, advised she was available to answer any questions.

Commissioner Scales asked the applicant if she read and understood the report.

Ms. Bebel replied in the affirmative.

Barb Goin, 8840 Aviary Path, stated she lived directly behind the subject lot and did not support the variance. She advised that the property in question has changed dramatically since they moved in. It was originally a 12 acre parcel with horses on it. One house was then built and now potentially two more. She stated the area along Alverno Avenue is unique as it has many large properties on it and she did not see a practical difficulty.

Commissioner Robertson asked Ms. Goin how large her lot was.

Ms. Goin replied 1.75 acres.

Commissioner Lissarrague advised that the variance would be for lot width, not area, as the two proposed lots would be 2.5 acres in size.

Commissioner Robertson asked if the shortage in lot width was along Alverno Avenue.

Mr. Hunting replied in the affirmative, stating the lots would be 190 and 172 feet whereas 200 is required.

Commissioner Lissarrague asked Ms. Goin where her house was located on her lot.

Ms. Goin replied that it was towards the front of the lot along Aviary Path.

Commissioner Niemioja asked Ms. Goin to clarify her specific concern regarding the request.

Ms. Goin replied the concern was having another home behind them, as well as losing their view and the rural feel of the neighborhood.

Commissioner Niemioja asked Ms. Goin if she was aware that the subject property was privately owned when she purchased her home.

Ms. Goin replied that she understood it was a 12 acre parcel that was privately owned by one individual.

Jeni Kriceri, 8830 Aviary Path, stated she lived directly behind the subject lot and shared Ms. Goin's concerns. She stated she moved there for the privacy and may not have purchased her property had she known there would be two homes behind her rather than one.

Commissioner Robertson asked Ms. Kriceri how large her lot was.

Ms. Kriceri replied that it was just under two acres.

Commissioner Robertson asked Ms. Kriceri if she was aware that the property behind her was privately owned and open for development.

Ms. Kriceri replied in the affirmative, and stated she was concerned because there was a lot of land for sale in the area and it was a slippery slope.

Ms. Bebel advised that her family would be one of the homeowners building there and they were calm people who do not want to disrupt other peoples' lives. They were building the home because they need a rambler for their special needs daughter and now is the opportune time to subdivide.

Commissioner Lissarrague asked if there were a lot of trees on the subject property between the neighbors and where the proposed houses would likely be located.

Ms. Bebel replied in the affirmative, stating they were not very tall but her family planted them and she planned to keep them as a buffer. The only trees they were contemplating removing were along the shared driveway.

Commissioner Weber asked if the proposed house location was that shown on the site plan.

Ms. Bebel replied in the affirmative. She advised they were building a rambler with a partial second story.

Commissioner Weber asked what the grade change was, stating the proposed house location appeared to be much lower than Aviary Path.

Mr. Hunting replied that he was unsure of the elevation change.

Commissioner Weber asked the applicant if the houses behind her sat up higher than her property.

Ms. Bebel replied that she was unsure.

Commissioner Scales closed the public hearing.

**Planning Commission Discussion**

Commissioner Niemioja asked for clarification that staff found notes indicating there was an ultimate intention to allow the property owner to make this division.

Mr. Hunting responded that Planning Commission recommended that the 5.8 acre parcel be rezoned to E-1. This suggests that they were leaving the door open for a potential division as otherwise they would have left the property zoned as Agricultural to prevent potentially dividing the property in half.

Commissioner Niemioja stated to her this was tangible proof that the City was in a sense letting the property owner know they had the option to subdivide later. She believed the practical difficulty to be the fact that the City foresaw this change coming and allowed for that expectation by rezoning it to E-1.

Commissioner Robertson agreed, stating while she understood the neighbors' desire to have the property remain open space, the reality is that 2.5 acre lots have been a potential since the initial rezoning in 2005. The request seems consistent with what has already occurred in the area and what will likely happen in the future.

Commissioner Lissarrague stated this was a unique situation and he supported the request.

**Planning Commission Recommendation**

Motion by Commissioner Weber, second by Commissioner Niemioja, to approve the request for a variance from the minimum lot width requirements to subdivide the property located at 8915 Alverno Avenue, with the conditions listed in the report.

Motion carried (7/0). This item goes to the City Council on August 14, 2017.

The meeting was adjourned by unanimous vote at 7:28 p.m.

Respectfully submitted,

Kim Fox  
Recording Secretary

# PLANNING REPORT CITY OF INVER GROVE HEIGHTS

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**HEARING DATE:** August 15, 2017

**CASE NO.:** 17-32V

**APPLICANT & PROPERTY OWNER:** Widseth Smith Nolting (River Heights Vineyard Church)

**REQUEST:** Variance from front yard setback

**LOCATION:** 6070 Cahill Avenue

**COMPREHENSIVE PLAN:** Public/Institutional

**ZONING:** P, Institutional District

**REVIEWING DIVISIONS:** Planning  
Engineering

**PREPARED BY:** Allan Hunting  
City Planner

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## **BACKGROUND**

The applicant is proposing to construct a 10,600 square foot addition to the existing church. The addition would be designed as the new sanctuary and the existing building would be converted to cafeteria/dining hall.

The property is 4.65 acres in size. The existing building is located on the south side of the lot because there is a 95 foot wide private utility easement running north/south generally along the east side of the lot. The buildable portion of the lot is on the west side of the easement. The property is zoned P, Institutional. Setbacks from roads classified as Arterial Roadways in this district are 75 feet. The applicant is proposing a setback of 50 feet from Cahill Avenue.

The following specific application is being requested:

- a.) A **Variance** from front yard setbacks to allow a setback of 50 feet for the building addition.

Staff has informed the applicant, that the size of the building addition meets the criteria for a Major Site Plan Approval by City Council. The applicant has indicated they would like to process the variance application first, and if successful, will then apply for the major site plan review.

## **SURROUNDING USES**

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

North – Multiple Family Residential; zoned R-3B, Multiple Family Residential; guided MDR, Medium density residential

East - Residential, large lot; zoned R-3B; guided MDR  
West - Commercial; zoned B-1, Limited Business; guided CC, Community Commercial  
South - Residential; zoned R-1C, Single Family Residential; guided LDR, Low density residential

## **EVALUATION OF THE REQUEST**

### **SITE PLAN REVIEW**

Staff has conducted a preliminary site plan review to identify any issues that would need to be addressed with the Major Site Plan Review.

**Parking:** One space for each 3.5 seat in the main sanctuary based on design capacity. This information would be provided on the site plan.

**Building Coverage:** The maximum building coverage is 20% in the P, District. The property would have 18,027 square feet of building coverage with the proposed addition. Total coverage would be 9%.

**Landscaping:** Required landscaping based on building size and parking lot expansion will be required to be shown on the landscape plan at time of major site plan submittal.

**Engineering.** Engineering has reviewed the request and takes no exception to the setback variance. The project will have to comply with all current storm water regulations.

### **VARIANCE**

As indicated, the applicant is requesting a variance to allow the addition with a setback of 50 feet from Cahill, whereas 75 feet is required from an arterial roadway in the P, Institutional District. Cahill Avenue is classified as an arterial roadway in the 2030 Comprehensive Plan Transportation Chapter.

City Code Title 11, 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 variance, 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 use of the building expansion would be consistent with the current use of the property and with the uses allowed in the P, Institutional District. The "P" District has one the largest setbacks from arterial roads compared to all other districts. The belived intent is to provide the greatest buffer between busy roads and uses that could have large

concentrations of young persons. The proposed setback is the same as what is required for all residential districts. The proposed setback could be considered still meeting the intent of the plan by providing a large buffer from higher volume roadways.

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

The applicant is proposing the building expansion within the limited area available. The existing utility easement on the east side of the lot limits the expansion area. The expansion does not appear to conflict with any other performance standards of the zoning ordinance.

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

The property is confined by a wide utility easement which limits the location of any building. A building expansion to the west is about the only option. The expansion would still be setback further from Cahill than most other structures in the area.

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

Most other structures in the area are setback closer than 50 feet to Cahill. The proposed expansion would not alter the essential character of the area.

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

Economic considerations do not appear to be a basis for this request.

### **ALTERNATIVES**

The Planning Commission has the following actions available for the proposed requests:

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

- Approval of a **Variance** to allow the building expansion with a front setback of 50 feet, whereas 75 feet is required along an arterial roadway, subject to the following conditions:
  1. The building addition project shall be in substantial conformance with the plans on file with the Planning Department except as may be modified by the conditions below.
  2. The applicant shall meet the conditions outlined in the City Engineers review letters and subsequent correspondence.

3. The approvals granted by the Variance only allow a reduced setback. The building expansion requires City Council approval of a Major Site Plan Review prior to any work commencing on the site. The applicant is responsible for making application for the Major Site Plan Review.

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

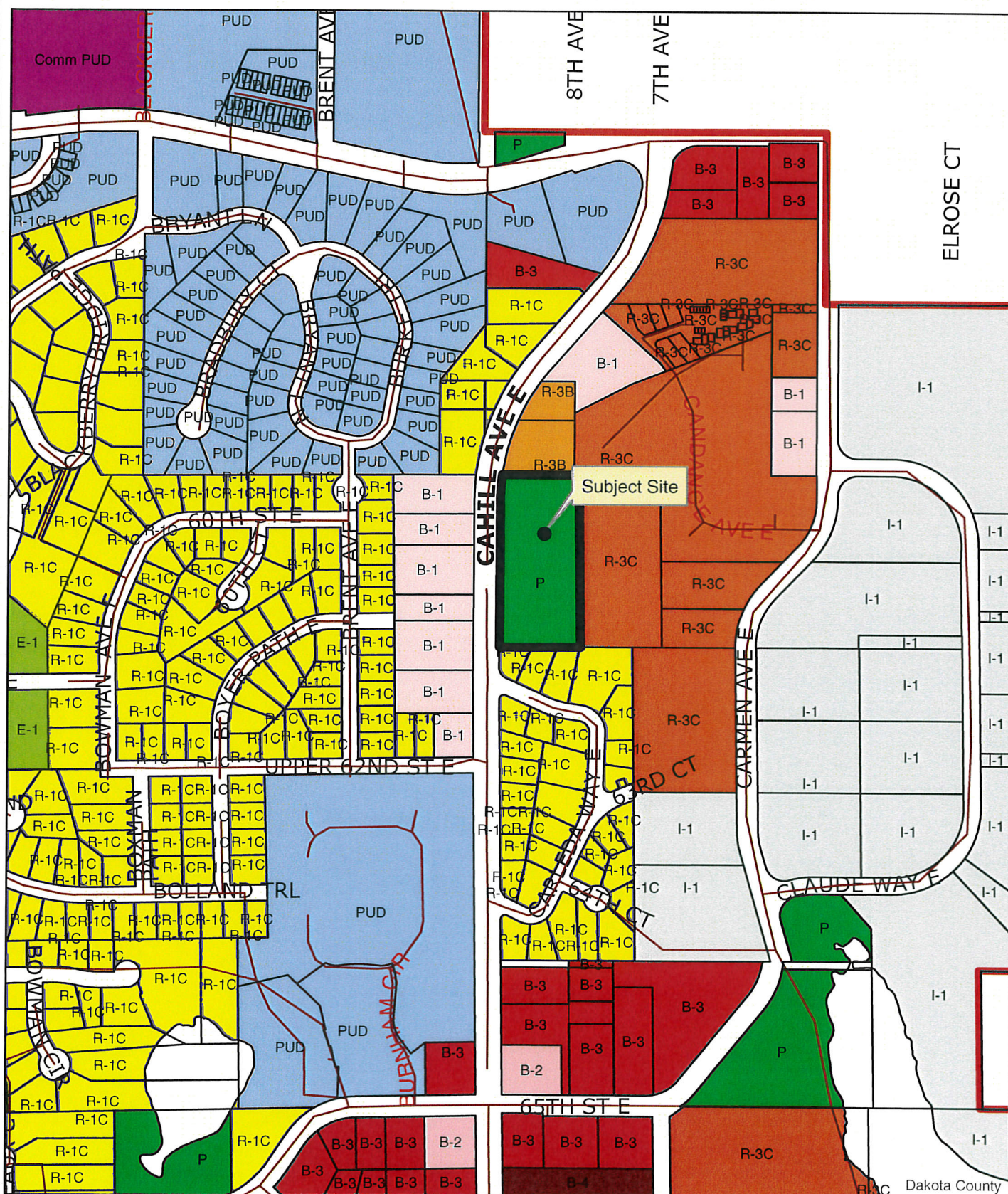
### **RECOMMENDATION**

Staff believes the request is not out of character for the neighborhood and is consistent with the zoning code and comprehensive plan.

The practical difficulty appears to be the restricted building pad area on the lot caused by the wide private utility easement located on the eastern side of the lot which limits development to the west side of the lot.

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the setback variance as presented.

Attachments: Location/Zoning Map  
Site Plan  
Applicant Narrative  
Map of Adjacent Building Setbacks from Cahill



PARKVIEW IGH CO LLC  
5918-6046 CANDANCE AVE  
INVER GROVE HEIGHTS, MN 55076-1525

RICHARD C & PATRICIA STADT  
6050 CAHILL AVE  
INVER GROVE HEIGHTS 55076-1525

JEFFERY N LEIF  
6180 CARLEDA WAY  
INVER GROVE HEIGHTS  
55076-1525

TIMOTHY D BAMBENEK  
6170 CARLEDA WAY  
INVER GROVE HEIGHTS  
55076-1525

TODD D & GRETCHEN N AHRENS  
6160 CARLEDA WAY  
INVER GROVE HEIGHTS  
55076-1525

SELMA CECELIA SABA  
6150 CAHILL AVE  
INVER GROVE HEIGHTS  
55076-1525

DAVID & SUSAN KUNERT  
5982 CAHILL AVE  
INVER GROVE HEIGHTS, MN 55076-1525

ALLAN & EMILY SALMI  
5971 CAHILL AVE  
INVER GROVE HEIGHTS, MN 55076-1525

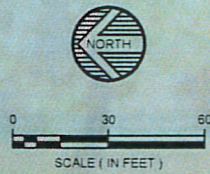
BAHA PROPERTIES LLC  
7326 BANCROFT WAY  
INVER GROVE HEIGHTS 55076-1525

PAUL T & STACY A MARION  
1905 63RD STREET E  
INVER GROVE HEIGHTS 55076-1525

NEXXT LEVEL HOMES  
14381 63RD ST. E  
INVER GROVE HEIGHTS 55076-1525

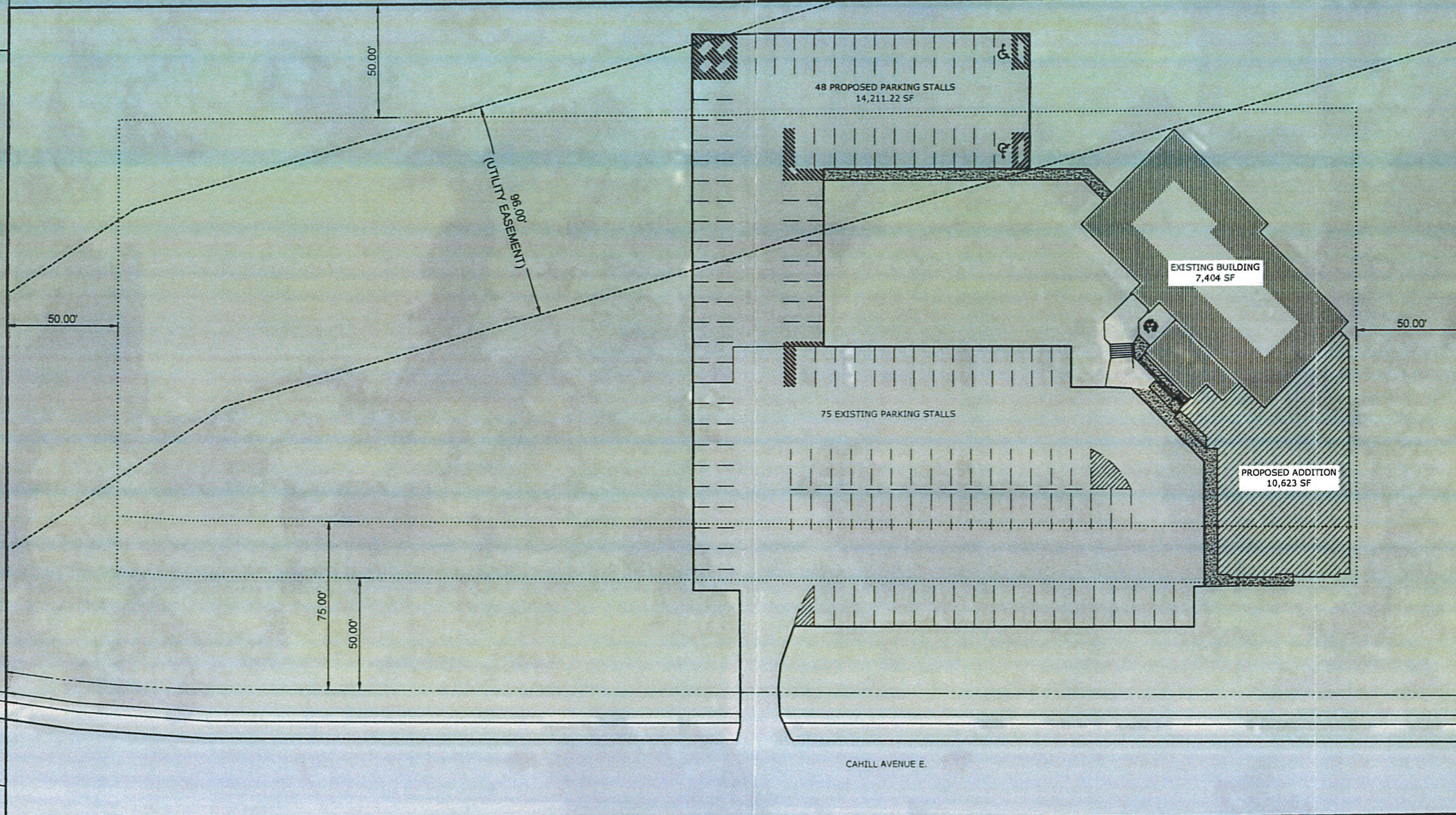
CAHILL DENTAL PROPERTIES  
6105 CAHILL AVE  
INVER GROVE HEIGHTS 55076-1525

KNOLLWOOD IGH PARTNERS  
6115 CAHILL AVE  
INVER GROVE HEIGHTS, MN 55076-1525



LEGEND

- BUILDING SETBACK LINE
- EASEMENT LINE
- PROPERTY BOUNDARY
- RIGHT OF WAY LINE
- EXISTING BITUMINOUS
- PROPOSED BITUMINOUS
- CONCRETE



FOR REVIEW

RIVER HEIGHTS CHURCH SANCTUARY ADDITION  
RIVER HEIGHTS VINEYARD CHURCH  
INVER GROVE HEIGHTS, MN

SITE PLAN

SHEET NO.  
C1.0

WIDSETH SMITH NOLTING  
Engineering | Architecture | Surveying | Environmental



I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT  
WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND  
THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE  
OF MINNESOTA.

| DATE | REVISIONS DESCRIPTION | BY |
|------|-----------------------|----|
|      |                       |    |
|      |                       |    |
|      |                       |    |
|      |                       |    |

DATE: JULY 14, 2017  
SCALE: AS SHOWN  
DRAWN BY: RSH  
CHECKED BY:  
JOB NUMBER: 1028R0002.000



Rochester  
3777 40th Avenue NW  
Suite 200  
Rochester, MN 55901-3297

507.292.8743   
507.292.8746   
Rochester@wsn.us.com   
[WidsethSmithNolting.com](http://WidsethSmithNolting.com) 

July 17, 2017

Inver Grove Heights Community Development  
Attn: Kim Fox, Planning Division  
8150 Barbara Avenue  
Inver Grove Heights, MN 55077

Re: River Heights Vineyard Church

Dear Inver Grove Heights Planning Commission and City Council :

River Heights Vineyard Church, located at 6070 Cahill Avenue East, is proposing to construct an addition (10,623 SF). Due to physical limitations on site, a 96-foot Utility Easement, expansion is extremely difficult. The church parcel is 4.65 acres, net right-of-way, which is larger than the minimum requirement for churches at three acres, and is completely surrounded by trees. The proposed addition will not be any closer to the property line than other properties along Cahill Avenue East.

Title 10-3-4: Variances: A, City Code of Inver Grove Heights states, that the council may grant variances from the strict application of the provisions of this title where practical difficulties or undue hardships result from carrying out the strict letter of the regulations. We would like to ask for your support in granting a variance to the front yard setbacks for the proposed addition. Please see the attached narrative, proposed site plan, and legal description.

Sincerely,

Widseth Smith Nolting & Associates, Inc.

cc: Craig Leibold, Ayars and Ayars, Inc.

Attch. Narrative, Site Plan, Legal Description



Rochester

3777 40th Avenue NW  
Suite 200  
Rochester, MN 55901-3297

507.292.8743

507.292.8746

Rochester@wsn.us.com

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

Title 10-3-4: Variances: D. Approval or Denial of Variance, City Code of Inver Grove Heights, establishes four factors the planning commission/city council must consider to grant a variance to the provisions of the ordinance. **Our responses are in bold.**

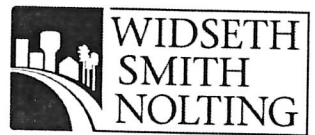
(1) That circumstances exist that are special and unique to the structure or land under consideration and such circumstances do not apply generally to other land or structures in the district in which the subject structure or land is located. **There are extraordinary conditions to the land, such as physical conditions, which are peculiar to the property and do not apply to other lands within the neighborhood. There is an existing 96-foot Utility Easement on the lot that bifurcates the property diagonally from the southeast to the northwest that makes it difficult for any structural additions to the church.**

(2) That the granting of the application will not be contrary to the spirit and intent of this title and the comprehensive plan. **Enforcing the strict regulations of the front yard setback standards and allowing the encroachment of an addition of an existing structure to a similar setback as other uses in the neighborhood is not contrary to the spirit and intent of this title. The Comprehensive Plan is an expression of the community's vision for the future that guides the development of land to ensure a safe, pleasant, and economical environment for residential, commercial, industrial, and public activities. Typically, the specifics, like setbacks standards, are found in the zoning ordinance, which is the tool used to accomplish the goals of the comprehensive plan. In this instance, the current Comprehensive Plan does not address specific setback standards and a church is consistent with the Public/Institutional Designation.**

(3) That the granting of such variance is necessary as a result of a demonstrated undue hardship and will not merely serve as a convenience to the applicant. Undue hardship means that all of the following circumstances exist:

(A) The subject property cannot be put to a reasonable, beneficial use unless the variance is granted. **River Heights Vineyard Church has a growing congregation and the variance is necessary so the property can expand the current structural footprint to accommodate the growth. The site is 1.65 acres larger than the minimum requirement for churches, however, due to the 96-foot easement, expansion can only occur to the west, towards Cahill Avenue E.**

(B) The plight of the landowner is due to circumstances unique to the subject property not created by the landowner. **The Utility Easement is used for infrastructure placement of a gas line that serves the City of Inver Grove Heights and the community and not for the sole benefit of the church. Therefore, the circumstance is unique to the property and not created by the landowner.**



(C) The variance, if granted, will not alter the essential character of the locality. **River Heights Vineyard Church has served, and been a part of, the neighborhood for many years. The addition will not alter the essential character of the locality.**

(4) That economic considerations alone do not constitute an undue hardship if reasonable beneficial use for the subject property exists under the terms of this title. **To accommodate a growing congregation and remain competitive, expansion is necessary. However, this is not the hardship. An undue hardship exists because of the limitation on placement of any addition, due to the 96-foot Utility Easement. Without the easement, River Heights Vineyard Church could expand to the north and/or east and would have plenty of space on the 4.65-acre parcel. Therefore, the terms of title 10-12-2, requiring a 75-foot front yard setback, does not allow reasonable beneficial use of the subject property.**

#### Minimum Variance

The minimum variance needed to alleviate the alleged hardship is a variance of 25 feet from the required 75 feet to 50 feet per Title 10-12-2: Bulk Standards, P (Institutional District), of the City of Inver Grove Heights, for the minimum front yard setback.



# Adjacent Building Setback From Cahill Avenue



# PLANNING REPORT

## CITY OF INVER GROVE HEIGHTS

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**HEARING DATE:** August 15, 2017

**CASE NO.:** 17-33ZA

**APPLICANT AND PROPERTY OWNER:** City of Inver Grove Heights

**REQUEST:** City Code Amendment to prohibit transient lodging (short-term rentals) of residential property

**COMP PLAN:** N/A

**ZONING:** N/A

**REVIEWING DIVISIONS:** Planning  
Police  
Levander, Gillen & Miller

**PREPARED BY:** Heather Botten  
Associate Planner



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### **BACKGROUND**

At the July 10, 2017 City Council work session Council directed staff to amend the city code to prohibit transient lodging (also known as short-term rentals) of residential homes located in Inver Grove Heights.

Online rental sites such as VRBO, Airbnb, and other home sharing sites have become quite popular. These are services individuals may use to arrange short-term rental of someone's house, apartment, or room for a night or more. They create a unique situation by placing short-term vacationers in the City's residential zones. Short-term rentals located in residential zoning districts could be viewed as a hotel/commercial use on residential property. These short-term rentals can disrupt the residential nature of a neighborhood.

Locally, the City has experienced some of the negative impacts of short-term rentals. IGH Police Department has received several complaints from residents regarding a short-term rental property that includes excessive noise, underage drinking, over occupancy and illegal parking. Staff has researched the number of short-term rental properties in IGH. There are about 10 short-term rentals where the owner is renting out a bedroom of a home for one or two house guests and there are four known short-term rental homes that would accommodate a group of three or more.

### **ANALYSIS**

Although short term rentals provide an alternative to a hotel stay while tourists visit Inver Grove Heights, they also:

- create conflicting land uses with a commercial use being operated out of a residential neighborhood

- generates additional traffic and high occupant turnover which may negatively impact a residential neighborhood
- provide an opportunity for large gatherings of people, who do not own the home or live in the neighborhood, to be disruptive to the abutting residents
- may cause complaints to the public safety department regarding noise, underage drinking and other nuisances to a residence not occupied by the owner

Staff has prepared an ordinance amendment to address Council's direction. The amendment adds the following language to **Chapter 13: Rental License** of the code:

Definition added to section 4-13-2:

**Transient Lodging:** The letting, lease, license or other agreement for the use or occupancy of a rental dwelling unit, or portion thereof, where the actual term of use or occupancy is less than 30 consecutive calendar days including, but not limited to bed and breakfasts, vacations homes, crash pads, hostels, and the like.

Also, a sentence is being added to the General Rule in the License Required section of the code 4-13-3A:

No one shall let, lease, license, or agree to allow the use or occupancy of a rental dwelling unit, or portion thereof, for transient lodging. No one shall use or occupy a rental dwelling unit or portion thereof for transient lodging.

With the direction to prohibit short term rentals, the exemption section of the ordinance would also be modified (4-13-4) and the bed and breakfast definition and line item from the land use table would also have to be repealed from the City Code (10-2-2).

## **ALTERNATIVES**

The Planning Commission is to make a recommendation to City Council regarding the proposed ordinance amendment which prohibits the letting, lease, license or agreement to use or occupy a residential home for less than 30 consecutive days.

Attachments: Draft Ordinance Amendment

**CITY OF INVER GROVE HEIGHTS  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING INVER GROVE HEIGHTS CITY CODE TITLE  
4, CHAPTER 13, SECTION 2, REGARDING THE DEFINITION OF  
TRANSIENT LODGING, AMENDING TITLE 4, CHAPTER 13, SECTION 3,  
AMENDING TITLE 4, CHAPTER 13, SECTION 4,  
AND REPEALING SECTIONS OF INVER GROVE HEIGHTS CITY CODE  
TITLE 10, CHAPTER 2, SECTION 2; AND TITLE 10, CHAPTER 6, SECTION 1  
ALL RELATING TO TRANSIENT LODGING AS A PROHIBITED USE IN  
DWELLING UNITS**

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

**Section One. Amendment.** Title 4, Chapter 13, Section 2, of the Inver Grove Heights City Code is hereby amended to add the following definition of Transient Lodging:

Transient Lodging: The letting, lease, license or other agreement for the use or occupancy of a rental dwelling unit, or portion thereof, where the actual term of use or occupancy is less than 30 consecutive calendar days including, but not limited to bed and breakfasts, vacations homes, crash pads, hostels, and the like.

**Section Two. Amendment.** Title 4, Chapter 13, Section 3A, of the Inver Grove Heights City Code is hereby amended to add the following:

**4-13-3 :        LICENSE REQUIRED:**

A. General Rule: No person, partnership, business entity, or corporation shall operate a rental dwelling or rental dwelling unit in the city without a license. The license shall be the owner.

No one shall let, lease, license, or agree to allow the use or occupancy of a rental dwelling unit, or portion thereof, for transient lodging. No one shall use or occupy a rental dwelling unit or portion thereof for transient lodging.

**Section Three. Amendment.** Title 4, Chapter 13, Section 4F & G, of the Inver Grove Heights City Code is hereby amended to add the following:

**4-13-4 : EXEMPTIONS:**

F. Single-family homes in which an individual owns the single-family home and resides in a portion of the building in which there is a rental dwelling unit and there are a total of no more than three (3) person within the rental dwelling unit that are unrelated to the owner and to each other where the term of occupancy or use is not less than 30 consecutive calendar days.

G. Accessory dwelling units pursuant to section 10-18-1 of this code where the term of occupancy or use is not less than 30 consecutive calendar days.

**Section Four. Amendment.** The definition of Bed and Breakfast found in Title10, Chapter 2, Section 2 of the Inver Grove Heights City Code is hereby repealed:

**10-2-2: DEFINITIONS:**

~~BED AND BREAKFAST: A house, or portion thereof, where short term lodging rooms and meals are provided. The operator of the bed and breakfast shall live on the premises.~~

**Section Five. Amendment.** Title10, Chapter 6, Section 1 Land Uses in All Residential Districts of the Inver Grove Heights City Code is hereby amended to repeal the following use:

| Use                          | Zoning District |              |              |              |              |              |     |      |      |      |     |        |        |
|------------------------------|-----------------|--------------|--------------|--------------|--------------|--------------|-----|------|------|------|-----|--------|--------|
|                              | A               | E-1          | E-2          | R-1A         | R-1B         | R-1C         | R-2 | R-3A | R-3B | R-3C | R-4 | MF-PUD | MU-PUD |
| Conditional uses:            |                 |              |              |              |              |              |     |      |      |      |     |        |        |
| <del>Bed and breakfast</del> | <del>C</del>    | <del>C</del> | <del>C</del> | <del>C</del> | <del>C</del> | <del>C</del> |     |      |      |      |     |        |        |

**Section Six. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed in regular session of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**CITY OF INVER GROVE HEIGHTS**

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George Tourville, Mayor

Ayes:

Nays:

ATTEST:

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Michelle Tesser, City Clerk

## MEMORANDUM

Hoisington Koepler Group Inc.



**To:** Inver Grove Heights Planning Commission  
**From:** Brad Scheib  
**Subject:** Comprehensive Plan Update  
**Date:** 11 August 2017

### Project Status

This is a brief update to the Inver Grove Heights 2040 Comprehensive Plan. We are near wrapping up the first phase of community engagement. To date we have hosted one general community wide workshop, listening sessions with the planning commission, housing committee, economic development authority, ministerial association, and a number of property owners in the Northwest Area. We still have a few more of the smaller listening sessions to complete in the next few weeks including the business community and the parks and recreation committee. Through these meetings we have connected in person with over 50 individuals (not great participation, but similar to our experiences in other communities). We have hosted an online public engagement platform including an on-line mapping tool and a more general community survey. To date we have had over 460 unique users access the online mapping tool. Over 50 of those users left over 150 comments on the site. Many users who did not leave comments were likely reading other comments and liking or disliking the comments. This is evident by the statistic of 16 minutes as the average amount of time someone spends on the site. The online survey has garnered over 620 responses to date. Numbers for the online engagement have been good to better than average.

Both of the online tools track activity by date. Based on the activity dropping off (we still get a couple per week) and based on what we are observing in the results, we feel that closing the survey and online mapping tool at the end of August is a reasonable action. We will update the project web site to note that the survey and online mapping will be closed by August 31. People may still provide comment; however, our written summary of input will most likely not include any additional inputs beyond the 31<sup>st</sup>. We will prepare a written summary of all input collected after the August 31<sup>st</sup> date. This will be distributed to the PC for review in September.

### What's Next?

The consultant team and staff are beginning to work on the substantive elements of the comprehensive plan using the input we have received and existing data as key inputs. We will be working on this task through the month of September. At the October PC meeting we will be looking to come back in front of the planning commission with some draft concept directions and alternatives. At this meeting we will be seeking general feedback and critique of plan directions. We will not be looking to build consensus on one concept at this meeting. Rather we will be using the PC as a sounding board to ensure we are looking at the right 'options' for how IGH will grow over the next 20 years. We will then take these concepts and options through a second round of public engagement to occur end of October and through the month of November.

Please free to contact me if you have any specific questions.