

**INVER GROVE HEIGHTS
PLANNING COMMISSION AGENDA**

**Tuesday, September 5, 2017 – 7:00 p.m.
City Council Chambers - 8150 Barbara Avenue**

1. CALL TO ORDER

2. APPROVAL OF PLANNING COMMISSION MINUTES FOR AUGUST 15, 2017

3. APPLICANT REQUESTS AND PUBLIC HEARINGS

3.01 CITY OF INVER GROVE HEIGHTS - CASE NO. 17-45X

Consider a **City Code Amendment** relating to Predatory Offender Residency of the Inver Grove Heights City Code.

Planning Commission Action _____

3.02 JOE LEVI - CASE NO. 17-34C

Consider a **Conditional Use Permit** to allow sheet metal siding on an accessory building for the property located at 8803 Inver Grove Trail.

Planning Commission Action _____

3.03 CITY OF INVER GROVE HEIGHTS - CASE NO. 17-39VAC

Consider a **Vacation** of a drainage and utility easement on the property located at 6070 Cahill Avenue.

Planning Commission Action _____

4. OTHER BUSINESS

4.01 CITY OF INVER GROVE HEIGHTS (McPhillips)– CASE NO. 17-38X

Recommendation that capital expenditure for the purchase of property located at 6940 and 6950 Dixie Avenue is consistent with the Comprehensive Plan.

Planning Commission Action _____

5. ADJOURN

PLANNING COMMISSION MINUTES - CITY OF INVER GROVE HEIGHTS

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

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

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

Commissioners Absent: Pat Simon (excused)

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

APPROVAL OF MINUTES

The August 2, 2017 Planning Commission minutes were approved as submitted.

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

Reading of Notice

Commissioner Robertson read the public hearing notice to consider the request for 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. 13 notices were mailed.

Presentation of Request

Allan Hunting, City Planner, explained the request as detailed in the report. He advised that the applicant is proposing to construct a 10,600 square foot addition to the existing church. The addition would be added to the west side of the church, and would be designed as the new sanctuary; the existing building would be converted to cafeteria/dining hall. The setback in the P, Public/Institutional district is 75 feet from the property line along Cahill Avenue whereas the applicant is proposing a 50-foot setback. The request is for a variance from front yard setback. If the variance is successful they must come back for a major site plan approval. 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 proposed expansion would still be setback further from Cahill than most other structures in the area. Staff recommends approval of the request with the conditions listed in the report.

Commissioner Robertson asked for clarification regarding the existing parking stalls along Cahill Avenue that appeared to be less than 75 feet from the property line.

Mr. Hunting advised that parking has a 10-foot setback; the 75-foot setback applies only to structures.

Commissioner Wippermann asked what the private utility easement was for and whether it was active.

Craig Leibold replied it was an active Excel gas line.

Opening of Public Hearing

Craig Leibold, 12990 Exley Avenue, Apple Valley, advised he was available to answer any questions.

Chair Maggi asked the applicant if he read and understood the report.

Mr. Leibold replied in the affirmative.

Commissioner Robertson asked the applicants if they had considered redesigning the addition so as not to encroach into the setback.

Mr. Leibold explained that the plan has been all along for the sanctuary to be built as proposed; to change direction now would have wasted and isolated the fellowship hall. He advised that the original building was a sanctuary, classrooms were added in the mid-70's, they developed a plan in the last couple years to build a fellowship hall, and now the sanctuary.

Commissioner Lissarrague asked Mr. Leibold how he was affiliated with the church.

Mr. Leibold replied that he was the general contractor.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Commissioner Lissarrague stated that he supported the request.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Lissarrague, to approve the request the request for a variance from the front yard setback 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, with the conditions and practical difficulty as listed.

Motion carried (8/0). This item goes to the City Council on August 28, 2017.

CITY OF INVER GROVE HEIGHTS – (TRANSIENT LODGING) – CASE NO. 17-33ZA

Reading of Notice

Commissioner Scales read the public hearing notice to consider a request for an ordinance amendment relating to the regulation or prohibition of short-term rentals for residential use. No notices were mailed.

Presentation of Request

Heather Botten, Associate Planner, explained the request as detailed in the report. She advised that services such as VRBO and Airbnb are services that individuals may use to arrange short-term rental of someone's house, apartment, or room for one night or more. This creates a unique situation by placing short-term vacationers in a residential district. The City Council has discussed short-term rentals at two work sessions and they have directed staff to prohibit transient lodging (another term for short-term rental) of residential homes for less than 30 days. Short-term rentals provide an alternative to a hotel stay but can disrupt the residential nature of a neighborhood and create land use conflicts, such as increased traffic, high occupant turnover, large gatherings of

people who do not own or have an investment in the neighborhood, and cause public safety complaints. The City's Police Department has received several complaints regarding a short-term rental property in town that includes excessive noise, underage drinking, overoccupancy, illegal parking, disruption to neighborhood, running through neighboring properties, and calls to other agencies for assistance in monitoring the parties going on at this house. The proposed ordinance states that no one shall let, lease, license, or agree to allow the use of occupancy of a rental dwelling unit, or portion thereof, for less than 30 days. There are a few other minor changes to the ordinance, including removal of bed and breakfast from the land use table and some definition amendments. City Council and the Police Chief support the prohibition of residents renting their homes for less than 30 days, but the proposed ordinance does not stop anyone from renting 31 days or more. The Planning Commission is being asked to make a recommendation to City Council.

Commissioner Scales asked if this was a general problem in the City, or were there issues with specific properties.

Ms. Botten replied that the City was experiencing problems with one specific property.

Commissioner Lissarrague asked if there were any guidelines regulating short-term rental properties to ensure they remained in good condition.

Ms. Botten replied that the City recently adopted a rental ordinance; however, it does not address short-term rental units.

Tom Link, Community Development Director, advised that the City Council adopted a rental license ordinance last October. There are two parts to the ordinance, including requiring a license and compliance with certain standard requirements. Short-term rentals do not fit into that ordinance so City Council is considering it separately.

Commissioner Robertson asked if there were additional properties with concerns or if the proposed ordinance was meant to prevent other properties from becoming problematic.

Ms. Botten replied that the City has only received complaints on one property; however, the concerns with the disruption to residential neighborhoods applies to all properties.

Mr. Link advised that short-term rentals are an issue that most cities are currently wrestling with. Minneapolis and St. Paul have been undergoing extensive studies of short-term rental, and City Council has looked at what some other communities have been doing. Short-term rentals will likely be in high demand for the upcoming Super Bowl.

Commissioner Roberson was indecisive on this issue because of the economic benefits the City could gain by allowing short-term rentals.

Mr. Link advised that there were good arguments on both sides of the issue. Short term rentals are popular and becoming even more so. The flip side is if you live next door to one it can be uncomfortable because of the public safety issues mentioned earlier, in addition to having different people staying next door every weekend with different hours and different activities. City Council has discussed both sides of the issue.

Commissioner Weber suggested that rather than prohibiting short-term rentals completely, the City incorporate certain regulations such as requiring a license/permit, or limiting frequency or duration.

Ms. Botten summarized what some other communities have done in regard to short-term rentals.

She advised that the City of Duluth allows short-term rentals but requires an interim use permit, a minimum of a two-night stay and a maximum of 29 nights, and only 60 are allowed in the entire city. The City of Stillwater categorizes short-term rentals into different types, with Type C being the most similar to what we are discussing tonight. They allow 15 licenses in the city, require a conditional use permit and a city rental license, determine the number of guests allowed based on number of bedrooms, and make sure they comply with parking requirements. The City of Prior Lake limits the number of times a month a house can be rented and regulates the number of occupants based on the size of the home. If Planning Commission is mainly concerned about wanting to allow homes to be rented during the Super Bowl, the proposed short-term rental ordinance would still work by having renters sign a lease for a month and then not rent it to anyone else after that.

Chair Maggi asked if the neighbors would be notified if someone wanted to do a long or short-term rental on their property.

Ms. Botten replied they would not. She advised that a rental property would require a license from the City, but there would be no notification to neighbors.

Chair Maggi asked if the cities of Duluth, Stillwater, or Prior Lake required notification.

Ms. Botten replied that interim use and conditional use permits (as required in Duluth and Stillwater) require notification to the neighbors.

Commissioner Wippermann asked what the penalty would be for violating the proposed ordinance.

Ms. Botten believed that violations would be a misdemeanor. Currently if there is a violation the police cannot go after the homeowner as they are not there at the time the violation is occurring. The proposed ordinance; however, allows the police department to go after the homeowner if they are in violation.

Commissioner Scales stated that people will likely rent out for the Super Bowl whether they are allowed to or not. Also, the proposed ordinance would be difficult to enforce.

Commissioner Robertson concurred with the idea of applying certain stipulations rather than blanket prohibiting short-term rentals. She stated Airbnb, and similar rental options, could be valuable to a community, and there will be many opportunities that might open up for our City, especially with the new Vikings facility being so near. Rather than prohibiting all short-term rentals because of one problem neighborhood, she would prefer they implemented certain criteria and guidelines.

Commissioner Lissarrague asked if the City was trying to be proactive by implementing the proposed ordinance and trying to prevent additional problem properties from occurring.

Ms. Botten replied in the affirmative, stating currently the ordinance does not prohibit anyone from having a large party.

Commissioner Niemioja stated she sees a distinction between a situation where a homeowner renting out a room is residing in the home versus a property owner who is allowing the home to be rented out through Airbnb and is not there. There is also a distinction between a property being vacated and rented out every weekend versus one being rented out on only a few occasions.

Ms. Botten advised that the City of Stillwater has three different types of rentals and different requirements for someone having an unhosted short-term rental versus someone living in the

house and renting out one room.

Commissioner Niemioja stated there seemed to be some nuance here and it would be tough to prohibit all renting situations.

Commissioner Weber stated he would prefer not to prohibit people from renting their homes, especially with the Vikings having spring training here. He would rather see an amendment to the licensing ordinance for short-term rentals with limitations on duration and frequency.

Commissioner Lissarrague asked for clarification that renting your home for 31 days would be allowable under the proposed ordinance.

Ms. Botten replied in the affirmative, stating they would be required to obtain a rental license though.

Commissioner Lissarrague asked if someone could stay for only three nights as long as the owner charged for 30 days and obtained a rental license.

Ms. Botten replied in the affirmative.

Commissioner Weber commented that that seemed like such a go-around.

Opening of Public Hearing

Pam Glenn, 6440 Ballantine Court, stated she recently sold her home and will be moving into a townhome in Inver Grove Heights. She has rented out her home intermittently for five years using Airbnb and has an issue with prohibiting short-term rentals because of one situation. She stated Airbnb is a well-regulated organization and she has had nothing but positive experiences with it. Airbnb teaches you to be thoughtful to ensure there is ample parking and owners are not having too many guests. In her situation, she stays in the home while the renters are there; however, not everyone does it that way. She stated there are already laws in place to address wild parties, parking issues, etc. and the City should be enforcing those rather than adopting this ordinance. She feels it is her right to use the space she owns as she chooses as long as she does it lawfully and responsibly. She questioned how they would regulate this as it would have to address many different situations other than the Vikings facility or the Super Bowl, such as aging parents or adult children needing to rent temporarily. In her experience renters have loved Inver Grove Heights and bring money to the community. The proceeds from renting her home out provides her with extra income to help upkeep her property. If regulations are adopted she hopes they are flexible.

Commissioner Robertson was glad to hear that organizations like Airbnb already have their own strict criteria and that the enforcement responsibility was not all on the City. She questioned why they would ban all short-term rentals because of a few problem properties.

Commissioner Weber advised Ms. Glenn that some townhome associations restrict rental of your property.

Ms. Glenn replied that it is allowed in her townhome association.

Nancy Pone, 8336 River Road, advised that she has health problems with asthma and indoor allergies and is trying to figure out if there are things she can do to better tolerate the winters here. One of the things they did was replace the flooring and they upgraded it in case they wanted to rent it out short-term and leave for the winter but still keep their home. They also put on a deck with a hot tub to make it more appealing to renters. If the City puts restrictions on renting they are taking away some flexibility of homeowners to keep their homes when situations like this arise.

She advised that she has six children and therefore Airbnb has been valuable to them when they travel as you cannot always be guaranteed to get multiple adjoining hotel rooms. She advised that even requiring a two-week stay would be restrictive as people rarely take two-week vacations. She advised there are many things the short-term rental organizations do to try to enable homeowners to rent to trustworthy people. Having a two-night minimum may help weed out undesirables, but making all living situations unfeasible because of one problem property seems like overkill.

Chair Maggi closed the public hearing.

Planning Commission Discussion

Chair Maggi stated the quandary was that many homeowners are responsibly renting out their homes; however, it would be uncomfortable as a homeowner if the neighbors were routinely renting out their home. She was not necessarily in favor of completely prohibiting it but thinks there should be some sort of neighbor notice and application.

Commissioner Robertson agreed, stating perhaps they should research the requirements other cities and places like Airbnb have.

Chair Maggi stated the City is trying to protect its citizens by creating criteria in case people renting their homes out do not go through a legitimate organization such as Airbnb.

Commissioner Robertson stated that researching known organizations would give the City a sense of what the criteria should be.

Commissioner Lissarrague stated that he supported the proposed ordinance. While he does not like to see more restrictions than necessary, this would protect new buyers moving into residential neighborhoods from having homes rented out on a regular basis in their neighborhood. Anyone wanting to rent their home short-term perhaps should not live in that neighborhood.

Commissioner Niemioja responded that while she respects that position, the City has the right to limit what goes on in a house (i.e. certain businesses cannot be put in a home). It is a complicated issue because the use of this is what homes are for (i.e. sleeping, eating, and shelter). She believes there is some wiggle room, and that the ordinance as written is overbroad and does not recognize the nuance of use. She noted that someone driving on Highway 55 from the airport to Rochester would not find any hotels along the way through our city. Also, there are many events that will be occurring in the cities of Minneapolis and St. Paul in which people may want to rent out their homes.

Chair Maggi asked Commissioner Niemioja what she would consider wiggle room.

Commissioner Niemioja replied perhaps a homeowner living in the residence and occasionally renting out their property versus someone living offsite and acting as a landlord.

Commissioner Scales stated that hearing the two residents speak has swayed his opinion and he thinks they could put together requirements that would give the City the ability to intervene should a situation get out of hand. He does not want to be the person who limits people from using their property in a reasonable manner.

Chair Maggi stated the issue seems to be that the rentals are being done on property that is zoned residential.

Commissioner Robertson thanked Commissioner Scales for confirming the value of public hearings and hearing perceptions and ideas from people that we had not thought of. She commended the

two residents who spoke and brought forward nuances Commissioners had not thought of.

Commissioner Lissarrague asked what the City's take was on a situation where the owner is present all of the time while offering short-term rental.

Ms. Botten replied that at this point the direction given by City Council is to prohibit short-term rentals, so that is what is before the Planning Commission tonight. If the Commission does not support the proposed ordinance they could make a recommendation that they do not support the prohibition of transient lodging. If they decide to, City Council has the option to change their mind and go back and try to allow short-term rentals with conditions or performance standards. At this point; however, she does not believe anyone has enough information in front of them to determine what requirements they would be comfortable with.

Commissioner Scales asked for clarification that staff was not looking for negotiation but rather for the Planning Commission to approve or deny the proposed ordinance prohibiting transient lodging.

Ms. Botten replied in the affirmative. She advised that if City Council decides to allow short-term rentals with performance standards a lot more review would likely be done.

Chair Maggi stated from the comments made tonight it seemed like most of the Commissioners favored a compromise position rather than completely prohibiting transient lodging.

Commissioner Wippermann stated he supported the proposed ordinance, and that he would be concerned if his neighbors started renting out rooms in his residential neighborhood.

Ms. Botten stated her research has indicated that Airbnb protects the homeowners but not necessarily the residents around them. The proposed ordinance is meant to protect the residents in single-family neighborhoods.

Commissioner Weber stated the neighbors are already protected by the City's current ordinances that address noise violations, etc.

Chair Maggi asked for clarification that partygoers could be cited for noise violations, but not the absent homeowner.

Ms. Botten replied in the affirmative, stating the parties are large with hundreds in attendance.

Commissioner Weber disagreed with prohibiting short-term rentals for all residents because of one isolated incident.

Chair Maggi noted that if you live next to the one isolated incident it could be a nightmare.

Commissioner Scales stated it would be helpful to have a mechanism to be able to eliminate those problematic residences.

Chair Maggi stated someone could make a motion to deny the proposed prohibitive ordinance with a recommendation to Council that the Planning Commission would support rules that protect the neighbors but allows some flexibility in short-term home rental.

Commissioner Robertson added that it may be a two-step process in which the Planning Commission first takes a vote yay or nay and then comes back with some suggested language to Council.

Chair Maggi suggested that the second part not necessarily be part of the motion, but rather a general statement of Commissioner thoughts and that we would appreciate more research.

Planning Commission Recommendation

Motion by Commissioner Weber, second by Commissioner Robertson, to deny the request for an ordinance amendment to prohibit transient lodging (short-term rentals) of residential property.

Motion carried (6/2 – Wippermann, Lissarrague). This item goes to the City Council on August 28, 2017.

Chair Maggi asked that the previous comments be included in the minutes.

Commissioner Niemioja stated she did not feel comfortable putting on record that if this was approved the workaround was to rent your property out for 31 days when really someone only stayed for a couple nights. She did not think that was the kind of ordinance the City wants to create.

Commissioner Therrien stated to him frequency was the issue; perhaps they could limit the number of rentals to once a month, etc.

Commissioner Robertson stated the minutes will provide a summary of Commissioner thoughts and concerns.

Ms. Botten said the public can attend the Council meeting as well.

The meeting was adjourned by unanimous vote at 8:07 p.m.

Respectfully submitted,

Kim Fox
Recording Secretary

PLANNING REPORT CITY OF INVER GROVE HEIGHTS

HEARING DATE: September 5, 2017

CASE NO.: 17-45X

APPLICANT: City of Inver Grove Heights

REQUEST: Zoning Code Amendment to repeal Title 10, Chapter 5, Section 11 of the Inver Grove Heights City Code

REVIEWING DIVISIONS: Planning

PREPARED BY: Heather Botten
Associate Planner

BACKGROUND

In September of 2016, the City Council adopted an Interim Ordinance for the establishment of temporary predatory offender residency regulations to allow for the study, adoption, or amendment of official controls related to the City's Zoning Code. This Interim Ordinance is located under Title 10, Chapter 5 Zoning Regulations in the City Code. The City Council is in the process of adopting permanent regulations that will be placed in a different section of the City Code. The current interim ordinance need to be repealed.

The City Attorney is requesting the Planning Commission to consider the following recommendations: 1) the repeal of Title 10, Chapter 5, Section 11 (interim ordinance) of the City Code and 2) Enactment of Title 5, Chapter 5, Section 11, Predatory Offender Residency as it moves forward to City Council.

Attachments: Memo from the City Attorney
Draft Ordinance

**LEVANDER,
GILLEN &
MILLER, P.A.**

ATTORNEYS AT LAW

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•
HAROLD LEVANDER
1910-1992
•
ARTHUR GILLEN
1919-2005
•
ROGER C. MILLER
1924-2009

MEMO

*ALSO ADMITTED IN WISCONSIN
*ALSO ADMITTED IN NORTH DAKOTA
°ALSO ADMITTED IN MASSACHUSETTS
□ALSO ADMITTED IN OKLAHOMA
ΔALSO ADMITTED IN ARIZONA

TO: Planning Commission
FROM: City Attorney Timothy J. Kuntz and Assistant City Attorney Bridget M. Nason
DATE: September 5, 2017
RE: Ordinance Adopting Permanent Predatory Offender Residency Restrictions

Section 1. Background

Over the past year, a number of individuals designated as Level Three predatory offenders have established residences in various Dakota County Cities. MINN. STAT. § 243.052 defines a “predatory offender” as a person who is required to register as a predatory offender pursuant to MINN. STAT. § 243.166. The Commissioner of the Minnesota Department of Corrections is required by MINN. STAT. § 244.052, SUBD. 3(A) AND 3(E), to establish and administer “end-of-confinement review committees” that assign a Level I, Level II, or a Level III risk assessment score as shown below:

Minn. Stat. Sec. 244.052, Subd. 3. End-of-confinement review committee.

(a) The commissioner of corrections shall establish and administer end-of-confinement review committees at each state correctional facility and at each state treatment facility where predatory offenders are confined. The committees shall assess on a case-by-case basis the public risk posed by predatory offenders who are about to be released from confinement.

(e) The committee shall assign to risk level I a predatory offender whose risk assessment score indicates a low risk of reoffense. The committee shall assign to risk level II an offender whose risk assessment score indicates a moderate risk of reoffense. The committee shall assign to risk level III an offender whose risk assessment score indicates a high risk of reoffense.

In 2016, the City of Inver Grove Heights (City) received notice pursuant to MINN. STAT. § 243.166 that a Level III predatory offender would be establishing residency within the City. At that time, the City did not have any residency regulations applicable to Level III predatory offenders. In September of 2016, the City Council adopted an Interim Ordinance for the Establishment of Temporary Predatory Offender Residency Regulations to Allow for the Study, Adoption, or Amendment of Official Controls Related to the City's Zoning Code. The Interim Ordinance will expire in September of 2017. A draft ordinance which would establish permanent residency restrictions for designated predatory offenders (Permanent Ordinance) has been prepared for Council review and consideration.

Section 2. Overview.

Currently, a number of Minnesota cities have enacted regulations attempting to regulate the residency location of Level III predatory offenders, including but not limited to the following:

1. Rosemount
2. South St. Paul
3. Hastings
4. Taylors Falls
5. Lindstrom
6. Mahtomedi
7. Duluth
8. North Branch
9. Brooklyn Center
10. Rochester

Most of the existing municipal predatory offender residency regulations establish zoning distance prohibitions between the residence of a predatory offender and locations within the city where children are likely to gather. These existing municipal predatory offender residency restrictions typically establish 1,000 to 2,000 foot residency distance restrictions from schools, day care centers, churches (with youth educational programming), public parks and other locations where children commonly congregate. These municipal predatory offender residency ordinances appear to rely upon a city's general statutory powers and authority (pursuant to MINN. STAT. § 412.221) to protect the health, safety and welfare of its citizens, and these ordinances also appear to rely on various other authority like a city's authority to guide and zone properties, residences and uses (pursuant to Minnesota Statutes, Chapter 462). The attached Permanent Ordinance establishes permanent residency restrictions for Level III predatory offenders, and prohibits them from establishing a temporary or permanency residence within 1,000 feet of a school, licensed child care center, learning center, religious facility with programming for minors, public park, or library. A map will be available on Monday to show the areas in which a designated predatory offender is prohibited from establishing a temporary or permanent residence.

Section 3. Potential Legal Issues.

While a number of Minnesota cities have adopted either interim ordinances or permanent predatory offender residency restrictions, and to date no known legal challenges have been filed against a Minnesota city based on an ordinance regulating the residency of predatory offenders, similar ordinances have been challenged on a variety of constitutional bases with different levels of success in other jurisdictions. A few of the key legal issues that may arise with the adoption of a permanent ordinance establishing residency restrictions for predatory offenders are highlighted below:

1. Possible Preemption Due to Existing State Legislative Delegation of Authority to State Agencies: Minnesota Statutes, Chapters 243 and 244 appear to delegate substantial authority to State agencies (like the State of Minnesota Bureau of Criminal Apprehension and the State Department of Corrections) for supervising and registering predatory offenders as well as facilitating post-incarceration residency locations of predatory offenders. A court may determine that a city lacks the express authority to regulate the residence locations of predatory offenders and/or a court may determine that the city's regulations are preempted by the State Legislatures' delegation of authority to State agencies.

2. Immediate Family Member Residence Exceptions: Some of the existing Minnesota city ordinances regulating the location of Level III predatory offenders have "immediate family member residence exceptions" and others do not. For example, some of the existing Minnesota city ordinances listed above contain an exception such as:

A designated predatory offender residing within a prohibited area as described in this ordinance does not commit a violation of this ordinance if the residence is the primary residence of the designated predatory offender's parents, grandparents, siblings, or spouse.

A court reviewing a municipal law that arguably infringes upon the constitutional liberty interests related to matters of marriage and family will be given heightened scrutiny by the reviewing court which means there is more of a likelihood that the ordinance may be struck-down by the court as illegally restricting the joint residency of married couples or other immediate family members. The attached draft Permanent Ordinance does not include an "immediate family member residence exception."

3. Overly Broad Distance Regulations: The attached draft Permanent Ordinance includes the following distance regulations:

It shall be unlawful for any designated predatory offender to establish a permanent or temporary residence on a parcel where any portion of the parcel lies within one thousand feet (1,000') of any school, learning center, licensed childcare facility, religious facility, public park, or library.

If the above distance regulations effectively prevent designated predatory offenders from living substantially anywhere within the City of Inver Grove Heights, the regulation may be struck

down by the court as an illegal zoning prohibition, or otherwise preempted by State law or unconstitutional as applied.

Section 4. Council Action. The Council will consider a first reading of the attached Permanent Ordinance at the August 28, 2017 City Council meeting. The Planning Commission will review the Permanent Ordinance on September 5, 2017. The Council will hold the second reading of the Permanent Ordinance on September 11th and the third reading of the Permanent Ordinance on September 25th.

Attachment

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

ORDINANCE NO. _____

**AN ORDINANCE REPEALING TITLE 10, CHAPTER 5, SECTION 11 OF THE INVER
GROVE HEIGHTS CITY CODE AND ENACTING TITLE 5, CHAPTER 5, SECTION 11
RELATED TO PREDATORY OFFENDER RESIDENCY RESTRICTIONS**

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

Section One. Repeal. Title 10, Chapter 5, Section 11 of the Inver Grove Heights City Code is hereby repealed in its entirety.

Section Two. Enactment. Title 5, Chapter 5, Section 11 is hereby enacted as follows:

5-5-11: Predatory Offender Residency:

A. Findings and Intent.

1. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Current information indicates that such predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The cost of predatory offender victimization to society at large, while not precisely calculable, is steep.
2. It is the intent of this Section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residences.
3. The Inver Grove Heights City Council has determined that it is necessary and in the public interest to impose a permanent ordinance limiting the residency locations of designated predatory offenders within the city.

B. Definitions: The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

DESIGNATED PREDATORY OFFENDER: Any person who has been convicted, adjudicated delinquent, or convicted as an extended jurisdiction juvenile of an offense identified in Minnesota Statutes Section 243.166, subd. 1b, or a similar offense under the laws of another state, requiring the offender to register with the Department of Corrections and who has been assigned a risk level of III (referred to as a Level III Predatory Offender) pursuant to Minnesota Statutes Section 244.052; or any person who otherwise is required to register with the Department of Corrections and has been assigned a risk level of III (referred to as a Level III Predatory Offender).

LEARNING CENTER: A public or nonpublic learning center dedicated to providing individualized instruction and enhanced academic learning skills, study skills, homework support, and test preparation for college entrance and state exams. A learning center primarily serves students in primary and secondary education, but may also include pre-school age education.

LIBRARY: The Inver Glen Library or any other public library as defined in Minnesota Statutes Section 134.001.

LICENSED CHILDCARE CENTER: An in-home or other group childcare center currently licensed by Dakota County or the state of Minnesota.

PERMANENT RESIDENCE: A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

PUBLIC PARK: An improved or unimproved public park owned by the city of Inver Grove Heights, Dakota County, a school district or other governmental entity.

RELIGIOUS FACILITY: A church or other place of worship which provides programming for minors, or is improved with an outdoor area designed, equipped, and set aside primarily for children's play.

SCHOOL: A public or nonpublic preschool, elementary school, secondary school, high school or college (including Inver Hills Community College).

TEMPORARY RESIDENCE: 1.) A place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or 2.) A place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

C. Permanent Residency Regulations For Designated Predatory Offenders:

1. It shall be unlawful for any designated predatory offender to establish a permanent or temporary residence on a parcel where any portion of the parcel lies within one thousand feet (1,000') of any school, learning center, licensed childcare facility, religious facility, public park, or library.

2. For purposes of determining the minimum distance separation required by this section, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence of the designated predatory offender to the nearest outer property line of the school, learning center, licensed childcare facility, religious facility, public park, or library property.
3. A designated predatory offender residing within a prohibited area as described in this section does not commit a violation of this section if any of the following apply:
 - a. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes, sections 243.166 and 243.167 or a successor statute, prior to September 25, 2017;
 - b. The person was a minor when he or she committed the offense and was convicted as an adult;
 - c. The person is a minor;
 - d. The school, learning center, licensed childcare facility, religious facility, public park, or library within one thousand feet (1,000') of the person's permanent residence or temporary residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes, sections 243.166 and 243.167, or a successor statute; or
 - e. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota department of corrections prior to September 25, 2017.

D. Penalty And Enforcement:

1. A violation of this section shall be a misdemeanor. In addition, the city may enforce this section by mandamus, injunction, and other appropriate remedy in any court of competent jurisdiction.

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

Passed this _____ day of _____, 2017.

George Tourville, Mayor

Attest:

Michelle Tesser, Deputy City Clerk

PLANNING REPORT

CITY OF INVER GROVE HEIGHTS

HEARING DATE: September 5, 2017

CASE NO.: 17-34C

APPLICANT AND PROPERTY OWNER: Joe Levi

REQUEST: A conditional use permit to allow sheet metal siding on an accessory building.

LOCATION: 8803 Inver Grove Trail

COMP PLAN: RDR, Rural Density Residential

ZONING: A, Agricultural

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY:  Heather Botten
Associate Planner

BACKGROUND

The applicant would like to construct an 1,800-square foot accessory building with sheet metal siding on his property. The lot is 5.33 acres in size and zoned A, Agricultural. City code allows two detached accessory buildings up to 2,400 *gross* square feet on lots greater than five acres, in the agricultural district. Sheet metal siding is allowed on buildings in the A and E-1 zoning districts by conditional use permit (CUP).

The applicant's property is wooded with 40 feet of elevation change from the road to the rear property line. There is currently a single-family home and a 572-square foot detached accessory building on the property. The new building would be 1,800 square feet in size, complying with the number of accessory buildings and size requirements for the property. The structure would also be in compliance with setbacks and impervious surface standards. The proposed structure would be set back about 600 feet from the road and about 200 feet from the closest neighboring home. The applicant has stated the building would be for his own personal use.

SPECIFIC REQUEST

The following specific application is being requested:

- A.) A Conditional Use Permit to allow sheet metal siding on an accessory building in the A, Agricultural district.

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

North

Single-family; zoned A, Agricultural; guided
RDR, Rural Density Residential

East, South, & West

Single-family; zoned E-1, Estate Residential;
guided RDR, Rural Density Residential

EVALUATION OF REQUEST:

Conditional Use Permit Sheet metal siding on accessory buildings is a conditionally permitted use in the rural districts. Two sets of zoning code review criteria apply to sheet metal pole buildings. The first set is specific to sheet metal sided accessory buildings. The second is a general set of criteria applicable to all conditional use permits.

Sheet Metal Siding CUP Criteria

Section 10-15-17 and 10-15-18 of the Zoning Regulations list criteria for accessory buildings.

1. *The sheet or corrugated steel or aluminum metal siding has a thickness of at least 29 gauge, and comes with a manufacturer's warranty of at least 20 years.*

The information the applicant has submitted states the proposed building would be 28-gauge steel and come with a warranty of at least 20 years.

2. *There shall be a minimum space of six (6) feet between the principal and accessory structure unless attached, and a minimum space of six (6) feet between all other accessory structures.*

This criterion has been met. The building would be about 100 feet from the principal structure.

3. *Any detached accessory structure that exceeds a gross floor area of 1,000 square feet must have a minimum setback from all property lines of 50 feet.*

This criterion has been met. The structure is located 50 feet or more from all property lines.

General CUP Criteria

Section 10-3A-5 of the Zoning Regulations lists criteria to be considered with all conditional use permit requests. The proposed request meets the Conditional Use Permit criteria relating to the Comprehensive Plan and zoning consistency, land use impacts such as setbacks, drainage, and aesthetics, environmental impacts, and public health and safety impacts.

The Comprehensive Plan recognizes the rural lot neighborhoods of the City as both residential and agricultural in nature. Accessory buildings with steel siding are common in some rural settings, including Inver Grove Heights rural neighborhoods. The abutting properties are all rural residential homes. The proposed building meets all other zoning code requirements including setbacks, size, and impervious surface.

The applicant has stated the proposed siding would be compatible with the other buildings on the property. Building code requirements would be addressed with building permits to occupy the building.

Engineering

Engineering has reviewed the request and is working with the applicant on storm water and erosion control requirements. Engineering is requesting an easement over a low spot on the west side of the property for drainage purposes and to preserve the natural basin. The proposed structure would not be located within this easement.

ALTERNATIVES

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

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

- Approval of the **Conditional Use Permit** to allow sheet metal siding subject to the following conditions:
 1. The site shall be developed in substantial conformance with the site plan on file with the Planning Department.
 2. The accessory structure shall not be used for commercial uses, storage related to a commercial use, or a home occupation.
 3. The sheet metal siding shall have a thickness of at least 29 gauge, and shall come with a manufacturer's warranty of at least 20 years.
 4. The applicant shall meet all the conditions outlined in the City Engineers review letters and subsequent correspondence. Prior to commencement of any grading, the final grading, drainage and erosion control plans shall be approved by the City Engineer.

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

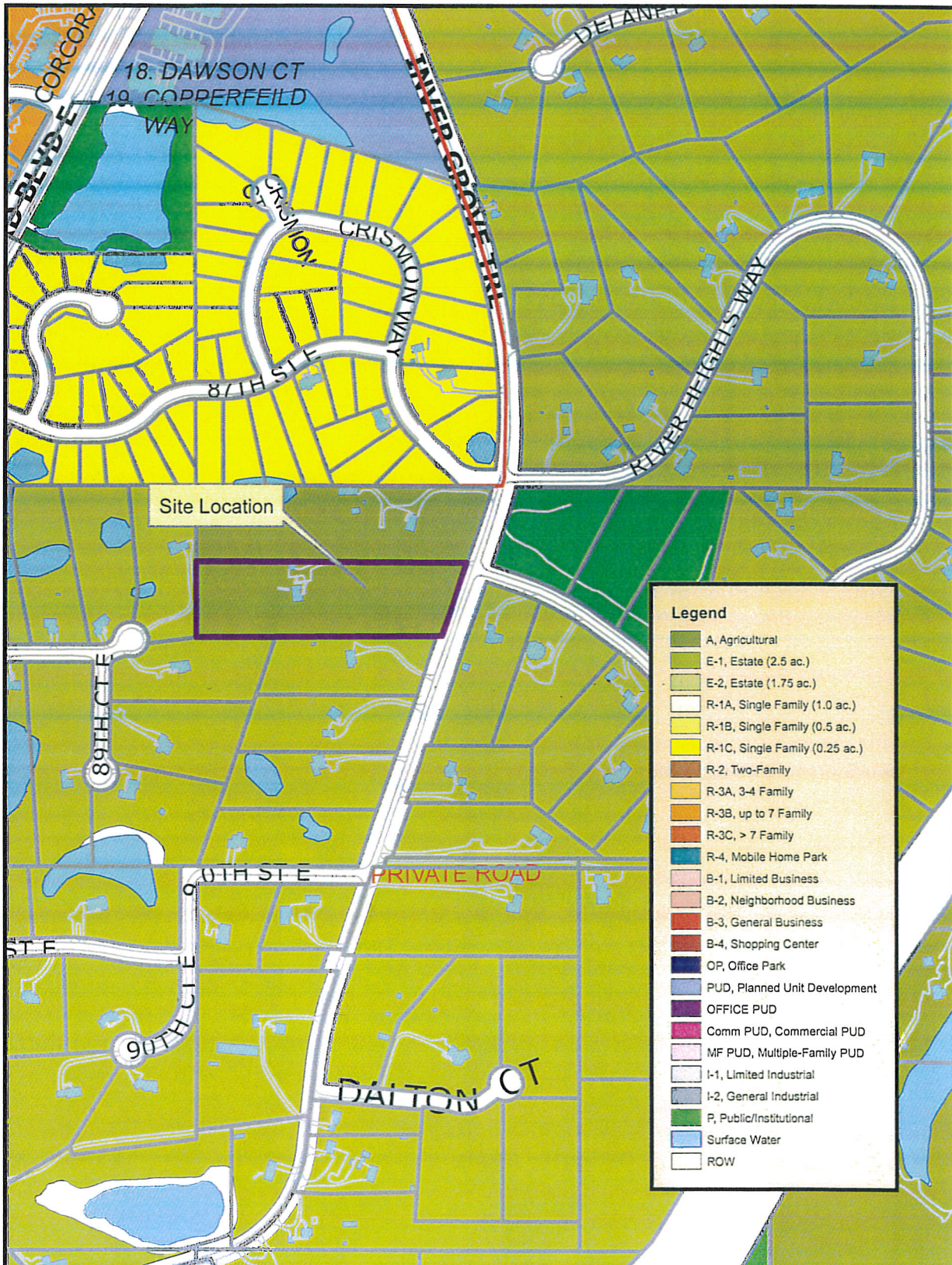
RECOMMENDATION

Based on the information in the preceding report and the conditions listed in Alternative A, staff is recommending approval of the request.

Attachments: Exhibit A - Location/Zoning Map
 Exhibit B - Narrative
 Exhibit C - Site Plan
 Exhibit D - Exterior of building



Joe Levi Case No. 17-34C



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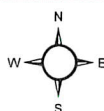
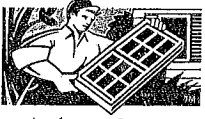


Exhibit A
Zoning and Location Map
Map not to scale



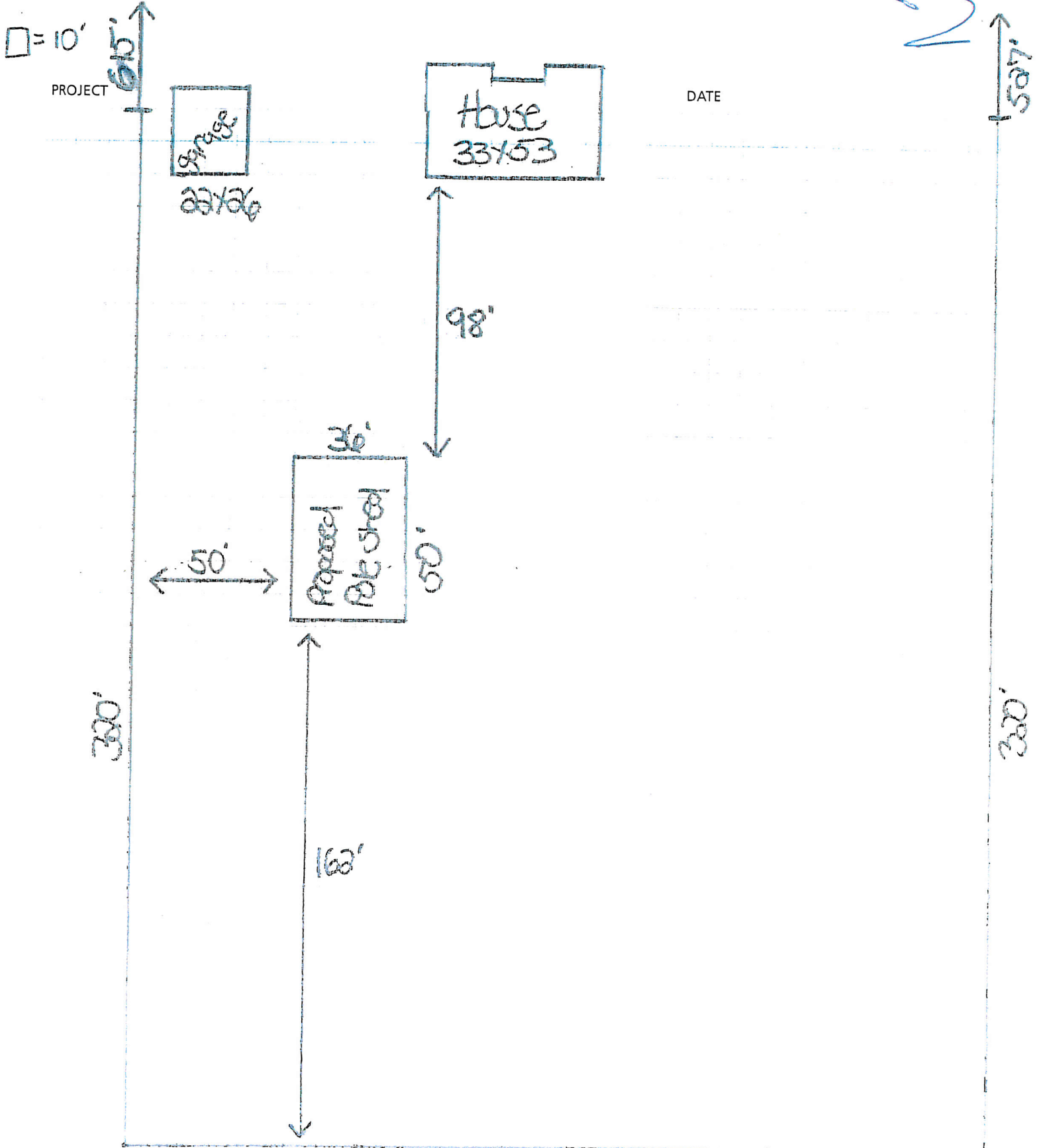
PROJECT

DATE

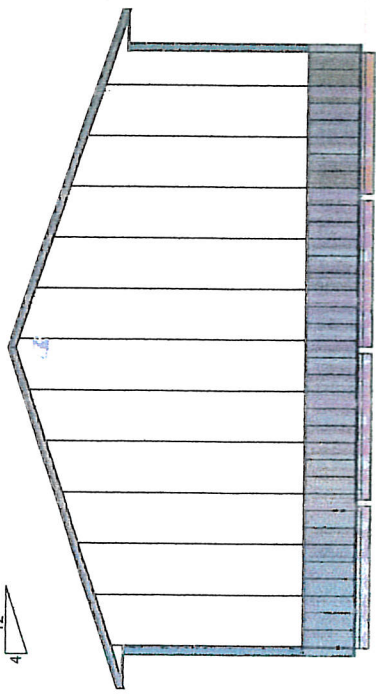
I would like to construct a pole building.
The building will be 36' wide by 50' Long. It
will be constructed with a 28ga metal roof and
28ga metal sidewalls. It will be set back from
the side boundary by 50'. The distance from
the rear property line is 162'.



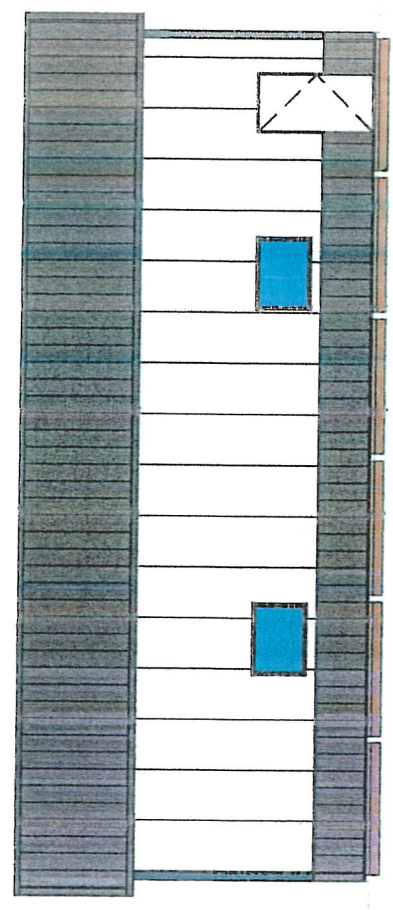
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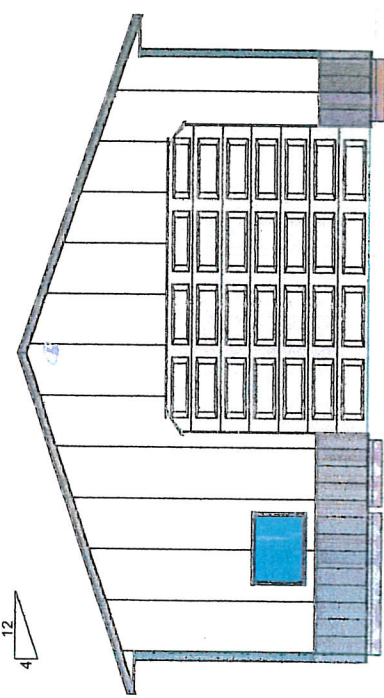


ENDWALL 1



SIDEWALL 1

12
4



ENDWALL 2



SIDEWALL 2



DEALER INFO.
Corey Larsen
1732 Valley View Drive
Winona, MN 55987

CUSTOMER INFO.
Joe Levi
8803 Inver Grove Trail
Inver Grove Heights, MN 55076

BUILDING DESCRIPTION
36'-0"x50'-1"x14'-0"
Uni-Frame Embedded
QP062217

Customer Approval

DATE: 7/31/2017

PROJ: 055A-13345-04-00
PROPOSAL DRAWINGS ONLY
Not Intended for Construction Purposes
The information presented in this drawing is based on a preliminary design using the input provided. The final design is subject to Lester Engineering review.
Not To Scale

P L A N N I N G R E P O R T
CITY OF INVER GROVE HEIGHTS

REPORT DATE: September 1, 2017

CASE NO: 17-39VAC

HEARING DATE: September 5, 2017

APPLICANT/PROPERTY OWNER: City of Inver Grove Heights/River Heights Vineyard Church

REQUEST: A Vacation of a public drainage and utility easement

LOCATION: 6070 Cahill Avenue

COMPREHENSIVE PLAN: P, Public/Institutional

ZONING: P, Institutional District

REVIEWING DIVISIONS: Planning
Engineering

PREPARED BY: Allan Hunting
City Planner

BACKGROUND

The City acquired a drainage and utility easement over the northeast corner of the River Heights Vineyard Church property to be used for ponding capacity to address some flooding issues at Carleda Way and 64th Court. Based on a request by the landowner, the City Engineering Department is reconsidering the need for the easement. A memo from the City Engineer is attached to this memo providing more information.

ALTERNATIVES

- A. **Approval:** If the Planning Commission finds the application acceptable, the following request should be recommended for approval:
- Approval of a **Vacation** of an existing public drainage and utility easement as shown on the attached exhibit.
- B. **Denial.** If the Planning Commission does not favor the proposed application, the above requests should be recommended for denial. With a recommendation for denial, findings or the basis for the denial should be given.

RECOMMENDATION

The Engineering Department recommends approval of the vacation of the drainage and utility easement.

Attachments: Memo from City Engineer

MEMO

CITY OF INVER GROVE HEIGHTS

TO: Allan Hunting, City Planner

FROM: Thomas J. Kaldunski, City Engineer *TJK*

DATE: September 1, 2017

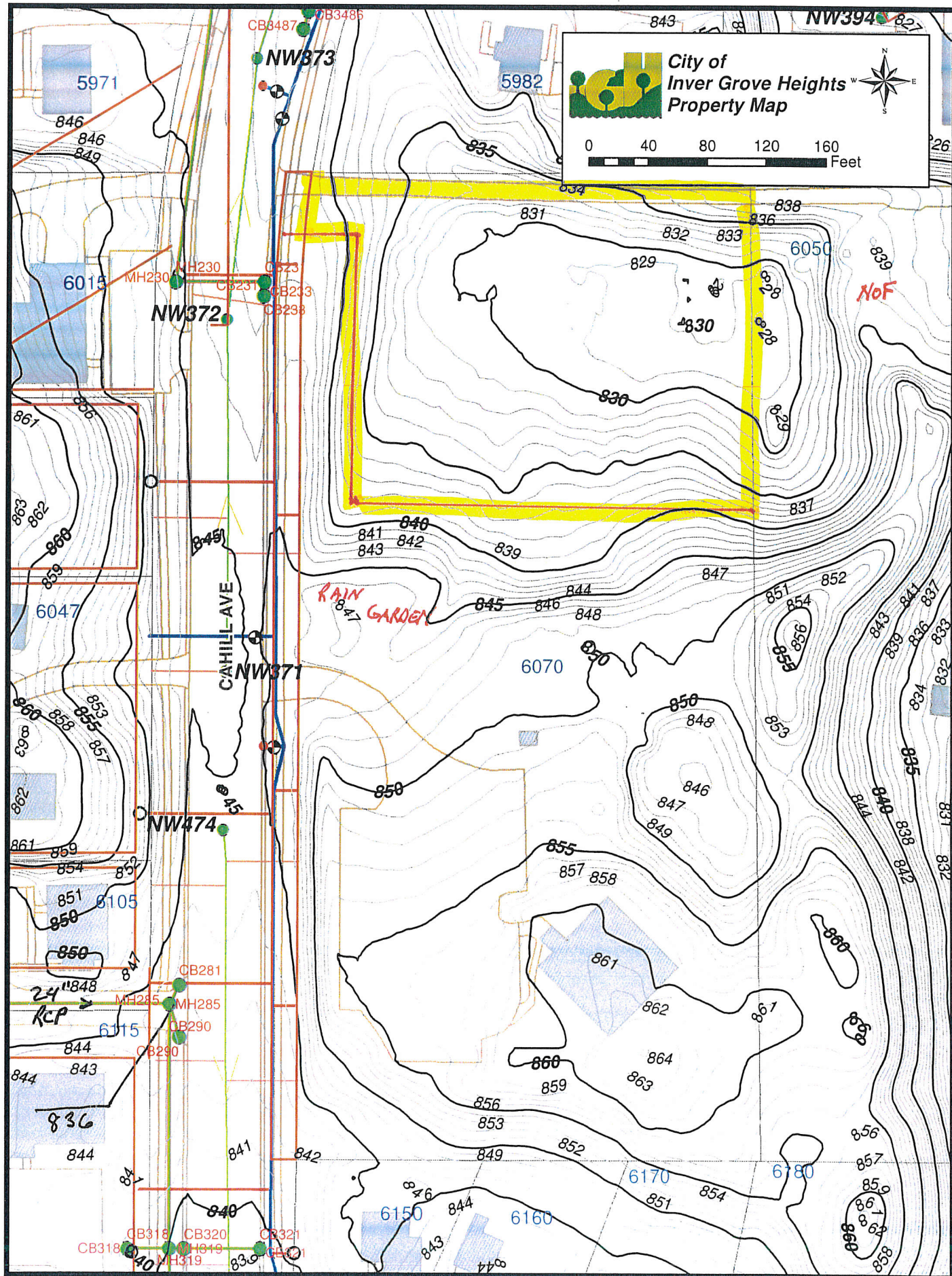
SUBJECT: Vacation of Drainage and Utility Easement
River Heights Vineyard Church – 6070 Cahill Avenue

The City has received a request to vacate an existing drainage and storm water ponding easement on the northern portion of this location. This easement was secured by the City on December 12, 2016 to provide an area to manage storm water runoff from a new parking lot that has been built on the site. The area also receives some runoff from adjacent parcels as illustrated in the attached drawing. The church also constructed a raingarden to treat storm water before it is discharged into the natural basin.

The City had also requested the ponding easement because of a review of the adjacent watershed. The City was considering the use of the basin of River Heights Vineyard Church to provide some ponding capacity by rerouting the drainage at manhole 285 into the basin. This would have provided some relief to a known flooding issue at Carleda Way/64th Court. The City has determined that it is not feasible to complete the storm water rerouting at this time. This allows the City to consider vacating the existing easement at River Heights Vineyard Church as the 100-year event on the existing site would not reach the natural overflow elevation of 838. This elevation was used to set the easement size.

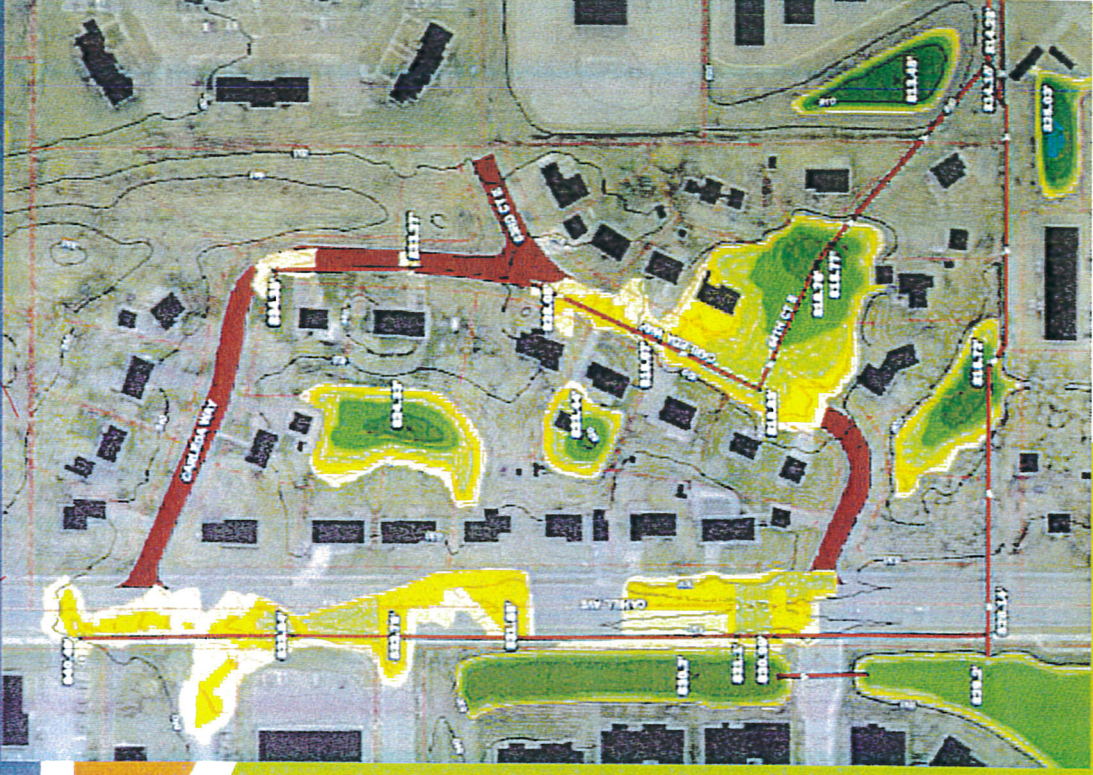
This natural basin will continue to service its existing watershed if the easement is vacated. River Heights Vineyard Church will be able to consider a building proposal along the north edge of the parking lot. When this new building proposal is fully developed and presented to the City, a smaller drainage and ponding easement will be secured to service the new building and the existing basins watershed at that time. The new easement would be based on River Heights Vineyard Church hydrologic study to define the 100-year high water level for the future project.

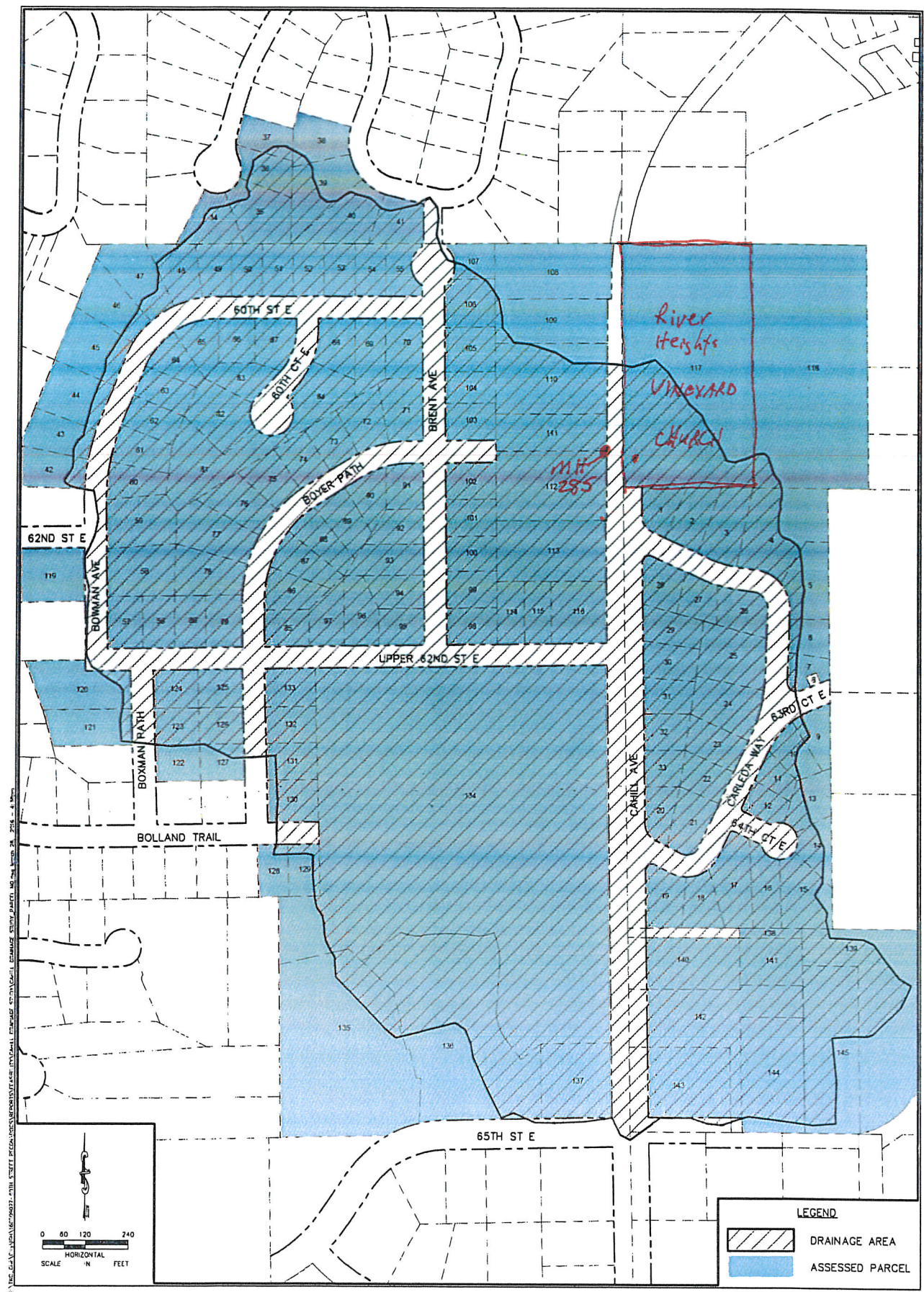
TJK/kf
Attachments



CARLEDA WAY AREA REGIONAL DRAINAGE ANALYSIS

- 64th Court flooding issues
 - Bypass flow from Cahill Avenue
 - Impacts one home (6320 Carleda)
 - Undersized trunk to Bohrer Pond
 - Requires significant trunk storm replacements, pond construction and/or property acquisition
 - Not included in project costs at this time
 - Separate watershed feasibility study consideration
- Carleda neighborhood ponding
 - Backyard ponding with no outlet
 - Private drainage issues, can mitigate impacts at owners expense





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

REPORT DATE: August 30, 2017

CASE NO: 17-38X

HEARING DATE: September 5, 2017

APPLICANT: City of Inver Grove Heights

PROPERTY OWNER: William and Kathleen McPhillips

REQUEST: Review Potential Property Acquisition for Consistency with the Comprehensive Plan

LOCATION: 6940 and 6950 Dixie Avenue

COMPREHENSIVE PLAN: I-1, Light Industrial

ZONING: I-1, Limited Industrial

REVIEWING DIVISIONS: Planning
City Attorney's Office

PREPARED BY: Thomas J. Link
Comm. Dev. Dir.



BACKGROUND

William and Kathleen McPhillips, owners of 6940 and 6950 Dixie Avenue, approached the City and expressed an interest in selling their two single-family residential properties. The Inver Grove Heights Economic Development Authority (EDA) will be considering the acquisitions at their next regularly scheduled meeting on September 11. The Planning Commission is to consider making a recommendation on the consistency of the acquisitions with the Comprehensive Plan.

EVALUATION OF THE REQUEST

In accordance with Minnesota Statutes, the Planning Commission must review the municipal acquisition and sale of properties for consistency with the Comprehensive Plan. Specifically, State Statute Chapter 462.356, Subd. 2, states "no publicly owned interest in real property within the municipality shall be acquired or disposed of...until after the planning agency (Planning Commission) has reviewed the proposed acquisition or disposal...and reported its findings as to the compliance of the proposed acquisition or disposal with the Comprehensive municipal plan."

The Comprehensive Plan has several statements attesting to the importance of economic development and the role of the Economic Development Authority (EDA). One of the EDA's major economic development activities is the redevelopment of the Concord Boulevard Neighborhood. The plan states that the City should "support redevelopment efforts for the

Concord Neighborhood" and should "encourage or facilitate redevelopment and reinvestment along the corridor".

The City's redevelopment efforts date back to 1998 when the City Council adopted the Concord Neighborhood Plan. This neighborhood plan is reflected in the current Comprehensive Plan which states:

"Redevelopment of the Concord Boulevard corridor is an important future improvement that will support the significant investment in Heritage Park and the reconstruction of Concord Boulevard and provide an important critical mass that helps sustain commercial development in Inver Grove Heights. Future redevelopment will also take advantage of the Mississippi River Regional Trail Corridor connecting Inver Grove Heights with regional destinations."

The Comprehensive Plan was refined when the City adopted the Concord Boulevard Neighborhood Plan and Design Guidelines in December, 2012. Those documents identified four redevelopment areas, one of which is along the west side of Dickman Trail. The properties that the EDA is considering acquiring are located in this redevelopment site. The Neighborhood Plan and Design Guidelines state that the Dickman Trail area could be redeveloped as light industrial or residential. Light industrial is defined as "light manufacturing, goods movement and wholesale trade." The residential concept could include a mixture of single-family, townhomes, and market rate rental apartments.

The acquisition of this property, from a willing seller, would be consistent with the Comprehensive Plan. The properties lie in one of the areas selected by the City for redevelopment efforts. If acquired, the EDA would remove the structures and, at some future undefined time, sell the properties for redevelopment as light industrial or residential. The acquisition would eventually lead to redevelopment, as stated in the Concord Boulevard Neighborhood Plan and Design Guidelines. The acquisitions would align with the City's general economic development goals and the redevelopment plans of the Concord Neighborhood.

ALTERNATIVES

The Planning Commission has the following actions available for the request:

- A. **Approval**. If the Planning Commission finds the request acceptable, it should recommend that the acquisition of the properties by the Inver Grove Heights EDA is in compliance with the Comprehensive Plan.
- B. **Denial**. If the Planning Commission does not find the proposed acquisitions consistent with the Comprehensive Plan, it should recommend denial with findings provided to support that denial.

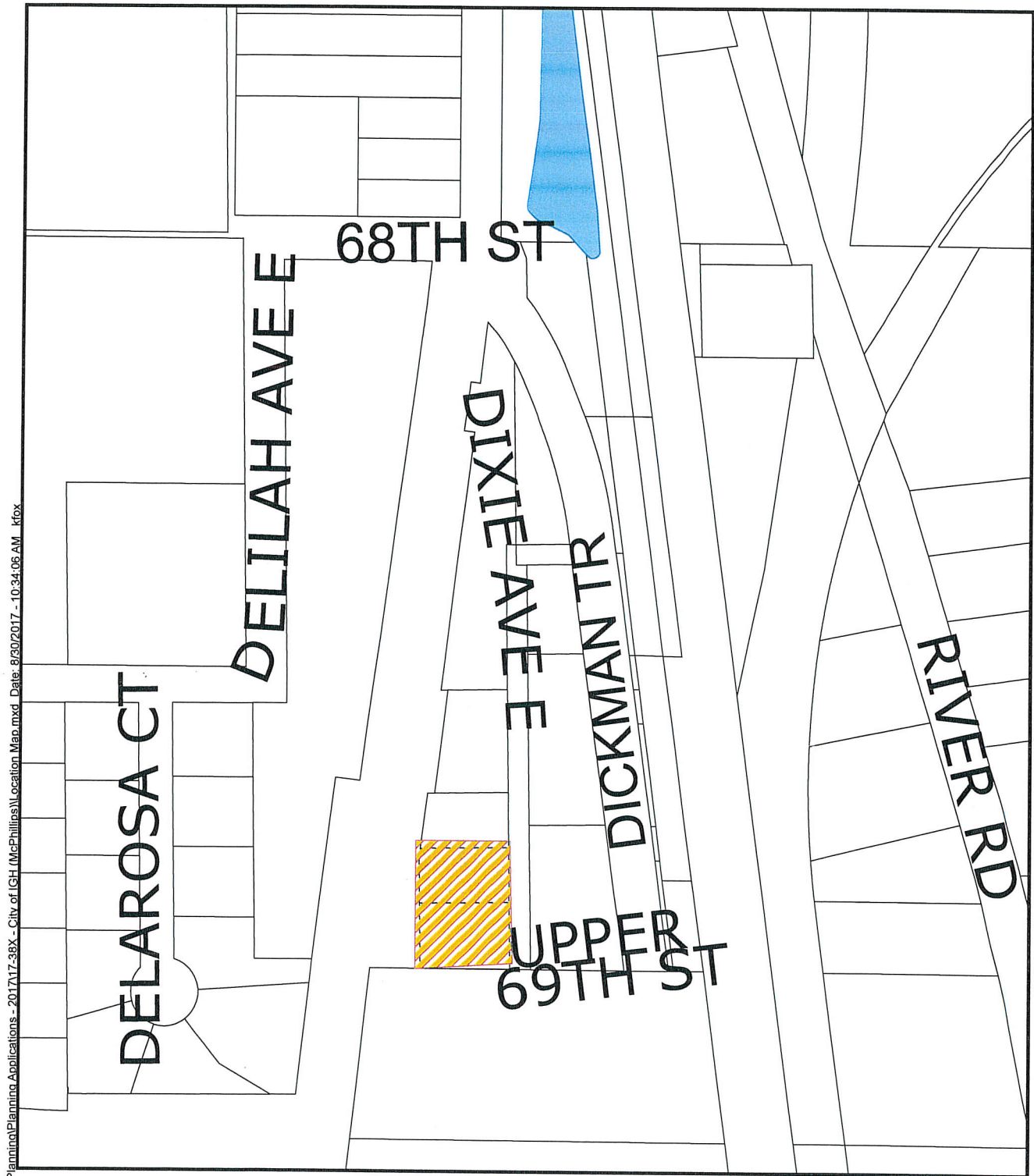
RECOMMENDATION

Staff recommends approval of the request to find the acquisition of the properties at 6940 and 6950 Dixie Avenue consistent with the Inver Grove Heights Comprehensive Plan.

Enc: Location Map
Comprehensive Plan Map
Excerpts from Concord Boulevard Neighborhood Plan and Design Guidelines

Cc: William and Kathleen McPhillips

LOCATION MAP - McPHILLIPS PARCELS 6940 AND 6950 DIXIE AVE E



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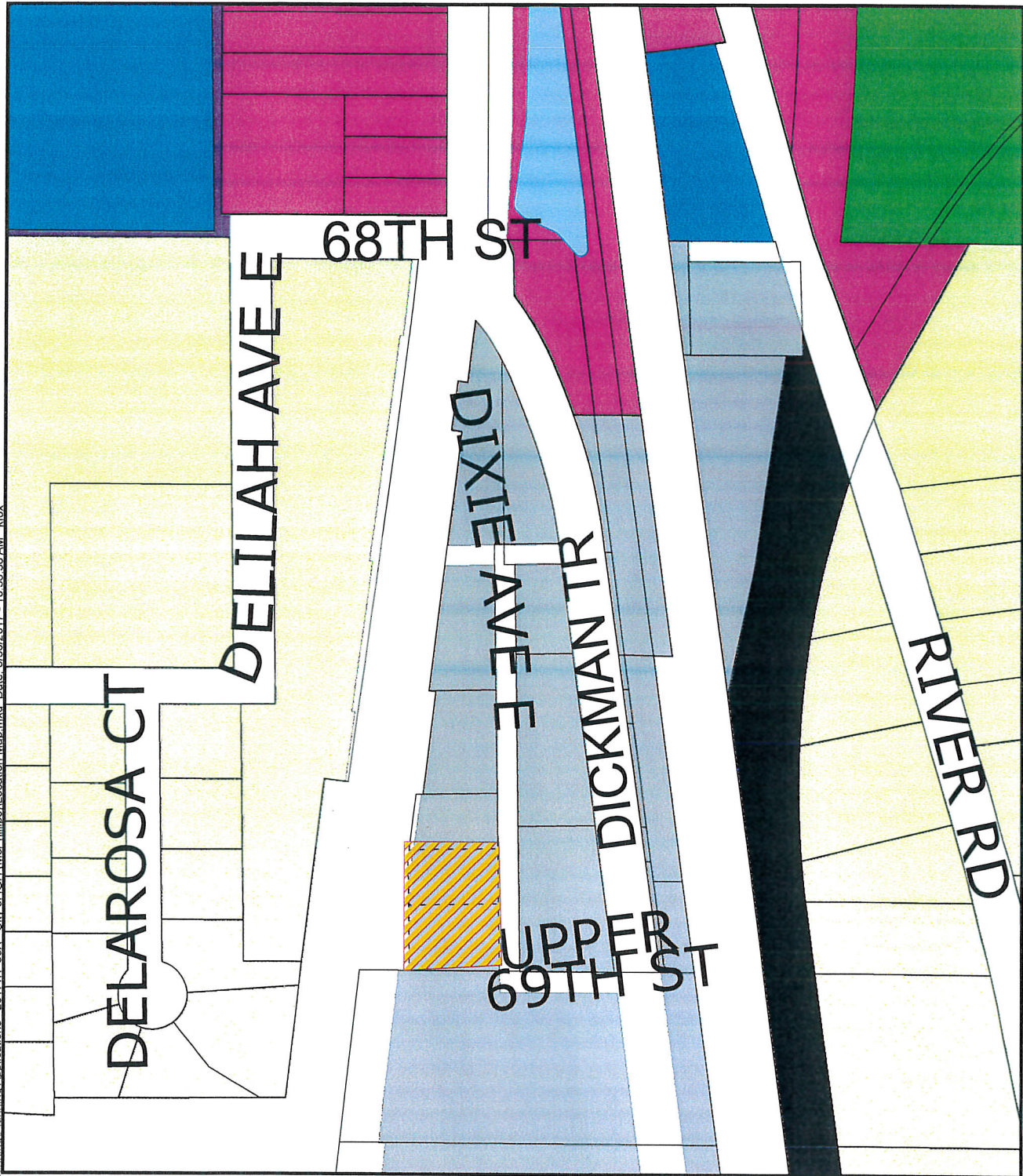
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0 100 200 Feet

COMPREHENSIVE PLAN MAP - McPHILLIPS PARCELS 6940 AND 6950 DIXIE AVE E



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2. Land Use

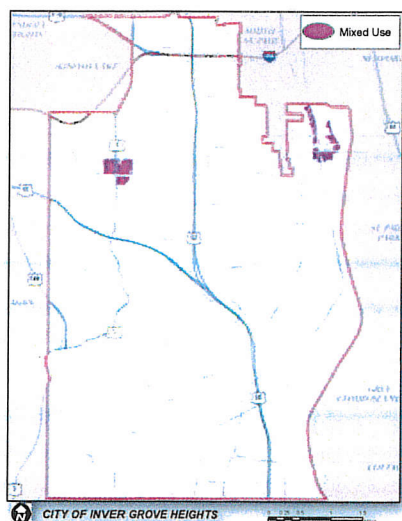


Figure 2.6: Mixed Uses

Mixed Use Assumptions

In order to establish development projections, mixed use areas are assumed to be approximately 2/3 residential and 1/3 commercial. Residential density would be at a minimum of 12 units per acre in mixed use areas.

Mixed Use (MU)

Mixed use areas consist of lots or parcels that contain a mix of retail and service commercial, office, institutional, higher density residential, public uses and/or park and recreation uses, organized in a pedestrian friendly environment (see Figure 2.6: Mixed Uses).

Robert Street and 70th Street West: The Comprehensive Plan designates the area at the intersection of South Robert Trail and 70th Street West as mixed use. The vision for this area is to establish a neighborhood hub that integrates higher density residential uses with neighborhood commercial services. In recent years, there has been an increased interest in creating development patterns that capture historic urban qualities and land use relationships. This movement was originally known as "new urbanism" and is now generally known as "traditional neighborhood design" or TND. The mixed use area in Inver Grove Heights has the potential to be developed utilizing some of these design principles. The development pattern is expected to have a pedestrian orientation rather than a sole focus on vehicular movement. The opportunity exists to integrate a variety of land uses making neighborhood commercial areas truly accessible to the surrounding residential neighborhood both due to the close proximity of the uses and a pedestrian sidewalk or trail system that provides direct linkages. Also of long term consideration is the notion of "Transit Oriented Development" or TOD, which encourages mixed use as a means of supporting transit service because of its ability to generate transit users who both arrive and depart from a particular node (see inset TOD.) Developed in this manner, the mixed use area in Inver Grove Heights has the potential to become an attractive amenity for both the northwest area and the community as a whole.

Concord Boulevard: Another area of mixed use is the Concord Boulevard Corridor (generally north of 70th Street.). The idea for mixed use along the Concord Boulevard Corridor is to encourage or facilitate redevelopment and reinvestment along the corridor in a way that helps traffic flow by controlling access, encourages an attractive street frontage as a gateway corridor to the City and allows flexibility in the use of lands along the corridor as business or residential uses. This pattern of use current exists along the corridor. A redevelopment plan was prepared for the Concord Boulevard area, which was adopted by the City in 1998. The plan addressed a number of issues including:

- Land use patterns
- The role of the Mississippi River levee
- Housing

2. Land Use

- Businesses
- The river bridge
- Public recreation

The plan includes a set of detailed policies to direct future redevelopment efforts. The land use recommendations from the adopted Concord Boulevard Redevelopment Plan were directly incorporated into the Future Land Use Plan of the Inver Grove Heights Comprehensive Plan. This plan will continue to serve as a policy guide.

As Concord Boulevard improvements are implemented over the next few years, redevelopment proposals will likely be brought forward by property owners and developers interested in the corridor. The guiding principles for the Concord Boulevard Corridor are as follows:

1. Direct access to the corridor should be reduced and limited over time. Access should be via side streets, alleyways and in limited cases directly via shared drives.
2. Future development in the corridor may be either vertically mixed uses (i.e. residential or office over retail) or horizontally mixed uses. Redevelopment of individual parcels should be designed as part of a master planned area to avoid conflicts with existing adjacent landuses.
3. Commercial or business uses should be located around key intersections at 66th and 63rd Street and should be designed to utilize on street parking on side streets (not on Concord Boulevard) and shared off-street parking.
4. Commercial or office uses located along the corridor between key intersections should be designed to blend in with residential building characteristics and not require significant off street parking.
5. Residential uses occurring along the corridor should have porches that front on Concord Boulevard with yards that provide separation between the street and the residential structure.
6. Sidewalks should separate residential uses from the street and provide connectivity to area amenities and attractions such as Heritage Park and the Mississippi River.
7. Higher density residential uses should be supported not only as a means to redevelopment but as a means of intensifying the corridor to support commercial uses, provide a labor force and take advantage of public improvements such as Heritage Park.
8. Design features should consider building height in relationship to the bluff area and the Mississippi River.



A concept for Concord Boulevard explores the idea of mixed use along the corridor with commercial focused at key nodes. This concept takes advantage of the improvements with Heritage Park and the potential connections to the Mississippi River.

2. Land Use

Redevelopment of the Concord Boulevard corridor is an important future improvement that will support the significant investment in Heritage Park and reconstruction of Concord Boulevard and provide an important critical mass that helps sustain commercial development in Inver Grove Heights. Future redevelopment will also take advantage of the Mississippi River Regional Trail Corridor connecting Inver Grove Heights with regional destinations.

Mixed Use Area Policies

1. Provide a unique mix of commercial, residential, public and related uses in a pedestrian friendly environment.
2. Provide a flexible land use tool that supports redevelopment while minimizing the creation of non-conforming uses.
3. Enact zoning modifications necessary to facilitate a mixed use development pattern that includes small, neighborhood scale structures and design features.
4. Provide walkway and trail linkages to other public recreational facilities in the area.
5. Encourage consistent design standards that serve as a framework for both public and private improvements addressing streets, lighting, landscaping, building materials and building placements.
6. Limit commercial uses to those that provide neighborhood and convenience goods and services.

Industrial Office Park (IOP)

Industrial office park includes lots or parcels containing warehousing, storage and light industrial uses with associated office functions (see Figure 2.7: Industrial Uses). Industrial office park developments are usually designed in a unified manner and feature landscaped open areas and roadway edges, consistent lighting, and entry monumentation. The future land use plan identifies a number of IOP parcels along Highway 55 and 55/52.

Industrial Office Park Area Policies

1. Provide opportunities for new industrial development and expanded employment opportunities in Inver Grove Heights.
2. Provide attractive, planned environments as means to induce employers to locate within the City.
3. Enact standards for industrial developments that are in keeping with the need to improve the appearance and character of industrial properties.
4. Provide public services and infrastructure in keeping with the needs of

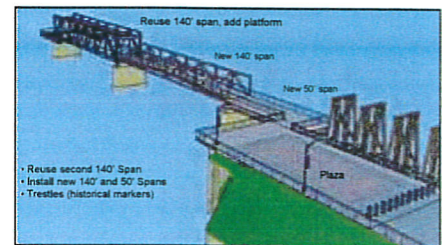
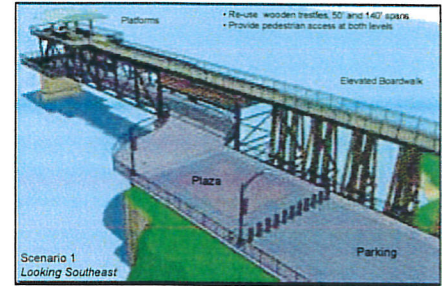
9. Critical Area Plan



could provide educational opportunities to the community at large. A combination of funding from the Park and Recreation Department and Macalister College as well as staff time could be used initially to implement this project.

Project #4

Continue to support redevelopment efforts for the Concord Neighborhood. In 1998, the City adopted a redevelopment plan for the Concord Neighborhood, which has the highest concentration of older structures in the community. More recently, Dakota County has begun constructing upgrades to the roadway. The City should actively participate in planning redevelopment efforts that respect the goals and policies of the Critical Area Plan. Continued redevelopment planning in this corridor should seek to enhance the value of Heritage Park improvements and foster economic vibrancy and connectivity with the river corridor.



A photo of Bridge 5600 (top) and two alternative design concepts that were evaluated in 2007 for reuse of Bridge 5600 as a scenic overlook.

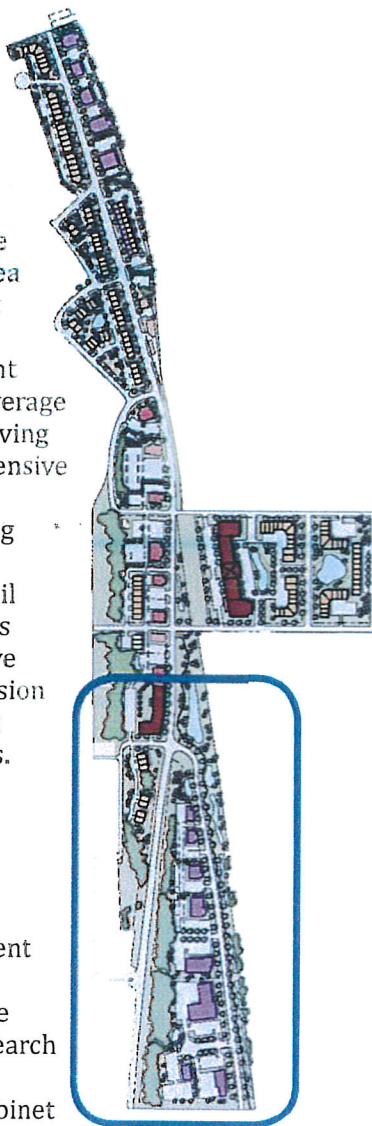
PREFERRED MASTER PLAN

DICKMAN TRAIL:

BUSINESS PARK

The area south of 68th Street along Dickman Trail is an area with a wide mix of uses. Many of the uses are heavy industry that generates significant truck traffic, noise and dust issues.

The longevity of some of these uses was questioned through the stakeholder engagement process. A limited number of single family homes are scattered throughout the site. The plan for this area suggests redevelopment over time that would intensify the employment density and building coverage of business uses and moving away from more site intensive uses to more building intensive uses. Increasing job density in the area will further support retail and professional services and could be an attractive opportunity given the vision for Heritage Village Park and other improvements. Opportunities to better utilize the land area within this district can be explored through replatting of the site and reconfiguring development parcels. Uses envisioned in this area might include light manufacturing, research and design, technology companies, assembly, cabinet makers or other light industry.



PREFERRED MASTER PLAN

PROJECT #3 68TH STREET AND CONCORD MIXED USE AREA

The node on the northwest quadrant of 68th and Concord Boulevard includes a mix of single family homes and vacant lots. Some of these parcels are already owned by the City of Inver Grove Heights, acquired over the years to remove problem properties. Some of the homes sit on deep lots, which when combined create a feasible re-development project. This project will require the assembly of remaining parcels, re-platting and detailed site design. The project could then be marketed for a higher density housing project (owner or renter occupied) or a mixed use project with commercial on the ground floor and residential or office on upper floors.

PROJECT #4 NORTH CONCORD RESIDENTIAL

This project includes redevelopment of the single family homes on the west side of Concord Boulevard between Upper 61st Street to Dawn Way. A number of these properties have been rumored to be available for sale and could be acquired over time to provide a reasonable sized development parcel. This project presents an opportunity to eliminate individual driveway access points, to enhance the street front of Concord and to intensify the density of the area further supporting commercial and recreational uses in the district. The project would require acquisition of single family homes. Due to the number of homes to acquire, this project may be a longer term project.

PROJECT #5 DICKMAN TRAIL BUSINESS PARK

The triangle of industrial and single family homes south of the intersection of Dickman Trail and Concord Boulevard presents an economic development opportunity. Redevelopment of the site would eliminate conflicting land uses and would better utilize available land and infrastructure resources. Extension of this concept further to the south to include areas currently used for outside storage and salvage should be explored as part of master planning this

project area. Redevelopment of this area will include master planning, site acquisition, utility extensions, environmental investigation and clean-up and re-platting.

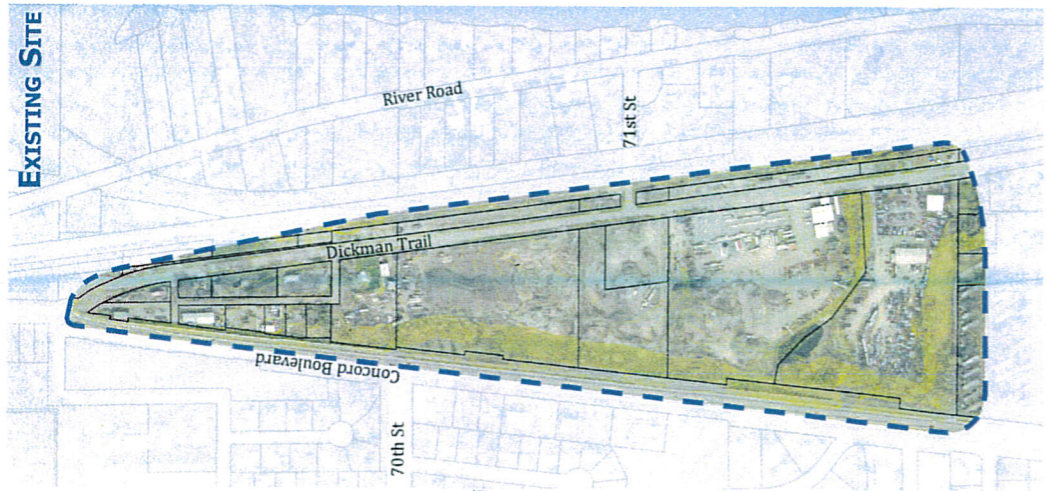
PROJECT #6 LIVE/WORK ON CONCORD

The site between Upper 61st Path and Delilah Ave on the east side of Concord Boulevard is identified as a site for a concept defined as Live/Work. The site currently is occupied by a refuse hauler, a sandblasting operation and an auto repair business. Redevelopment of the site will make for better use of the land and infrastructure. City and /or developer actions that would be required for this project would include acquisition and relocation of existing businesses, environmental investigation and remediation, re-platting and site design.

PROJECT #7 NORTH CONCORD COMMERCIAL

This project refers to the commercial users north of Upper 61st Path on the east side of Concord. The project area is represented by three separate property owners. Redevelopment of these areas could occur as a whole or separately on an individual basis. It would not require assembly of all the properties in order to proceed. The City's role in this project may best be suited to acting as a facilitator while working in close collaboration with the property owners so that when properties come up for sale, the City can help in securing the right user for redeveloping the site.

CONCORD BOULEVARD NEIGHBORHOOD
 CATALYST SITE: **DICKMAN TRAIL - INDUSTRY**



EXISTING CONDITIONS

PROJECT SUMMARY - NORTH			
Site Area	14.75 ac. - 9.1 ac Buildable		
Intended Use	Office Flex / Light Industrial		
SF	90,000 SF		
Density	.24 Floor to Area Ratio (of buildable)		
PROJECT SUMMARY - SOUTH			
Site Area	25.6 ac. - 15.5 ac Buildable		
Intended Use	Office Flex / Light Industrial		
SF	138,000 SF		
Density	.20 Floor to Area Ratio (of buildable)		

Dickman Industrial Park (North)

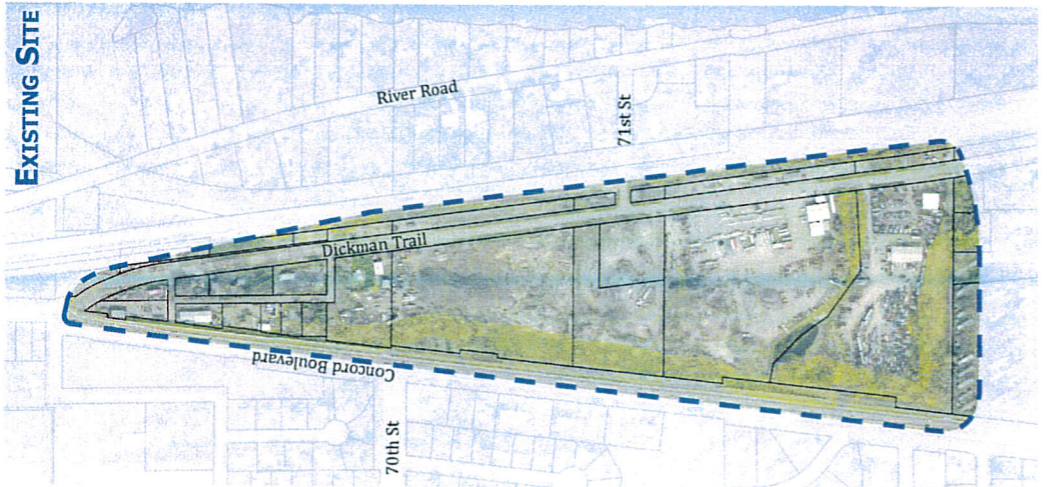
- 2 story Office / Flex (20,000 Sq. Ft.)

- (2) 1 Acre Light Industrial Sites (+/- 30,000 Sq. Ft.

- Multi-Tenant Light Industrial (40,000 Sq. Ft.)



CONCORD BOULEVARD NEIGHBORHOOD
 CATALYST SITE: **DICKMAN TRAIL - RESIDENTIAL**



SITE SUMMARY - NORTH	
Site Area	14.75 ac. - 9.1 ac Buildable
Intended Use	Townhomes, High Density Residential
Units	72 Townhomes, 66 High Density Residential
Density	15 Dwelling Units / Acre (of buildable)

SITE SUMMARY - SOUTH	
Site Area	25.6 ac. - 15.5 ac Buildable
Intended Use	Single Family Residential
Units	46 Single Family Residential
Density	3 Dwelling Units / Acre (of buildable)



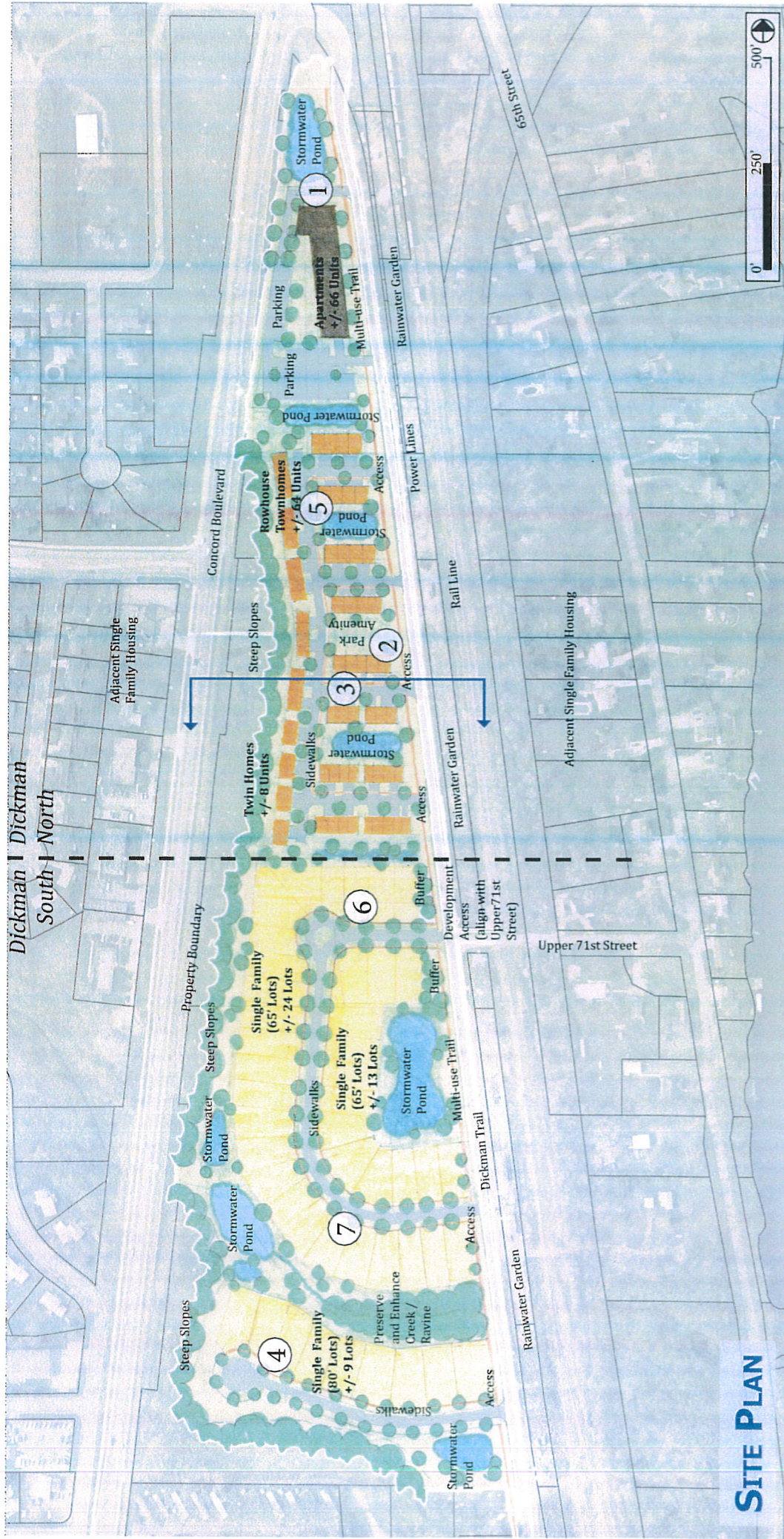
EXISTING CONDITIONS

Dickman Residential (South)

- +/- 9 Single Family Lots at 80' width
- +/- 37 Single Family Lots at 65' width

Dickman Residential (North)

- 3 story Market Rate Rental Apartments (66 Units)
- Underground Parking
- Owner Occupied Townhomes (72 Units)



SITE PLAN