

**City of Falcon Heights
Planning Commission Minutes
August 23, 2016**

PRESENT: Commissioners Alexander, Bellemare, Larkin, Murphy, Schafer, Council Liaison Harris, Staff Liaison Moretto, City Attorney Soren Mattick

ABSENT: Commissioner Williams

The meeting was called to order at 7:15 p.m. by Chair Larkin.

The minutes of the June 28th, 2016 meeting of the Planning Commission were approved.

The Planning Commission, motioned by Chair Larkin, unanimously changed the order of the Public Hearing section of the agenda. The first Hearing item was moved to the last hearing item and was renumbered appropriately.

PUBLIC HEARING:

1. Resolution Vacate Easement 1728 Lindig St.

Chair Larkin opened the public hearing on this topic and opened the podium for comment.

Commissioner Murphy asked the applicant why they wished to have this easement vacated. Mary Volk of 1728 Lindig responded saying the easement is irrational because the only easements that exist in this area are the easements located on the applicants' property. The applicant would also like to clean-up errors. It would also clean-up the maps.

Commissioner Bellemare asked City Attorney Mattick if this property could be adversely reverred to the property owner. Mattick stated that public property is not subject to this procedure. With respect to this property the city does not own this property but has an easement which needs to be vacated. The best way to clean this up is to have a resolution doing so.

Commissioner Murphy asked Attorney Mattick if it would be one piece of land. Mattick stated that it would be one piece and the vacation does not create another piece. Murphy then asked if the city would benefit from the sale or gift. Mattick replied that it would not be a sale or gift. The city was given this when it was platted for the public use of it and since the city as determined that this is no longer of use it is to be vacated back to the owner.

Commissioner Alexander asked if an easement could be used on a single lot that is not connected to other lots with easements. Attorney Mattick stated that they, applicant could use it as it stands now. They could install utilities.

Chair Larkin made a last call for comments. There being none the hearing portion was closed and called for commissioner comments.

Chair Larkin asked if this will be a recommendation. Staff Liaison stated yes.

Chair Larkin called for a motion.

Commissioner Bellemare made the motion.

Commissioner Murphy made the second.

The Resolution 16-xx passed unanimously.

Commissioner Schafer arrived at 7:30

2. Resolution Vacate Easement 1725 Fairview St.

Chair Larkin opened the public hearing on this topic and opened the podium for comment.

Chair Larkin asked if this was similar to the other Resolution. Staff stated it was.

Chair Larkin asked if anyone would like to speak.

Shirley Reider, applicant, of 1725 Fairview St. stated they owned the property and they wanted to clean this up because they are an attorney and does their own title work. It is cumbersome and removing the easement will fix this.

Chair Larkin made a last call for comments. There being none the hearing portion was closed and called for commissioner comments.

Commissioner Alexander commented on the condition of the low elevation in the area and drainage might be an issue. The commissioner asked the applicant as to the issue with the lots north of Lindig.

The applicant stated they thought it was a walkway but this is not an issue for this easement. Staff agreed.

Commissioner Murphy asked for the short history of the easement.

Staff stated this was done as a condition of subdivision of the lot in the 1960's.

Commissioner Murphy asked about sidewalk easement and if they were related.

Staff stated they are not.

Chair Larkin called for a motion.

Commissioner Murphy made a motion.

Commissioner Bellemare second.

The Resolution 16-xx passed unanimously.

3. Ordinance Amending Sec. 113-37 opt-out of Minnesota statutes, Section 462.3593

Chair Larkin asked staff to introduce the topic.

Staff stated that the ordinance presented opted the city out of the MNSS 462.3593. Staff referred further analysis to the City Attorney.

Attorney Mattick summarized the issue as the State Legislature passed a statute for a secondary, temporary, dwelling unit on a parcel of property that override city ordinances regarding secondary dwelling units. Mattick recommended the city opt-out as many other cities have. He stated that there are questions that need to be answered before considering this kind of development. It is Mattick's opinion that this is more of a rural oriented land use.

Commissioner Murphy asked about the history of this. Was it a grant or conceived in a particular way?

Attorney Mattick was unsure but finds similarities between Segway's and their classification.

Commissioner Alexander commented that these might be granny pods or something similar.

Attorney Mattick agreed that this is along the granny pod concept.

Commissioner Alexander asked if it was connected to services

Attorney Mattick stated that it would be a speculation to guess.

Commissioner Murphy asked when this statute takes effect.

Staff stated September 1st. The earliest the ordinance would take effect would be the next Council meeting.

Chair Larkin was confused about the wording of the statute regarding requirements.

Attorney Mattick stated that this is meant for family members or their caregivers. This could not be a business.

Commissioner Murphy stated that it seems like a lot of lots in Falcon Heights would not qualify for something like this.

Staff agreed that more time is needed to analyze the issue. Staff referred to our current code on secondary units. We are concerned with possible rental units in R-1.

Commissioner Alexander suggests that we continue to look at this issue of secondary units. Increasing density would be a good thing.

Chair Larkin opened the public hearing on this topic and opened the podium for comment.

Chair Larkin made a last call for comments. There being none the hearing portion was closed and called for commissioner comments.

Commissioner Murphy made a motion.

A second motion was made.

Chair Larkin called for final discussion.

Commissioner Schafer asked about AirBnBs. Is this being considered.

Chair Larkin also as looked into this.

Staff knows about this but is currently under review for consideration.

Commissioner Schafer ask if this will be discussed in the future

Staff thinks this is a topic of interest.

Attorney Mattick stated that it would not be AirBnB specific but would be a duration question of licensing. A question would be enforcement and would that would work. Sometimes rental is not compatible in some areas.

Commissioner Schafer is states that we can go to the website to find out or other sources.

The Ordinance 16-xx passed unanimously.

INFORMATION AND ANNOUNCEMENTS:

Community Forum: None

ADJOURNMENT: The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Paul Moretto
Community Development Coordinator

John Larkin
Chair – Planning Commission