

PLANNING COMMISSION AGENDA
February 24, 1997
7 p.m.

ROLL CALL: Tom Brace __ Wayne Groff __ Alex Hanschen __ Paul Kuettel __
Irene Struck __ Wendy Treadwell __ Betty Wilcox __
Sue Gehrz __

A. CALL TO ORDER

B. APPROVAL OF MINUTES
January 27, 1997

C CITY COUNCIL MINUTES
January 22, 1997

D. ITEMS TO CONSIDER

1. Public hearing and consideration of an amendment to the zoning code related to the spacing of licensed residential facilities
2. Discussion on conditions related to the pool hall and billiard parlor uses
3. Consideration on an amendment to the zoning code requiring lots to front on improved public streets
4. Business loan program

E. ADJOURNMENT

City of Falcon Heights
Minutes of the Planning Commission
27 January 1997

Present: Commissioners Treadwell, Wilcox, Struck, Groff, Hanschen
Absent: Commissioners Kuettel, Brace

Also present: Mayor Sue Gehrz, liaison; Administrator Hoyt

The meeting was called to order at 7:06 PM by Acting Chair Wendy Treadwell.

Commissioner Wilcox moved approval of the minutes from the November 18, 1996 meeting . Commissioner Struck seconded the motion. It passed unanimously.

Spacing requirements for licensed residential facilities.

State statute supersedes local zoning ordinances and makes licensed residential facilities permitted uses in residential zones in order to provide residents of these facilities with a normal residential environment. Administrator Hoyt requested that the commission consider a spacing requirement of a 1/2 mile minimum to bring consistency between the comprehensive plan, which includes the spacing requirement, and the zoning code which does not include the spacing requirement. Commissioner Treadwell said that using the 1/2 mile spacing within the city limits that the city could theoretically accommodate five licensed residential facilities approximately 1/1,000 persons of the city's population. She said that, if amended, the code should clearly state that the spacing requirement applies only to the distance from other residential facilities within the city limits of Falcon Heights and does not apply to the distance between facilities in Falcon Heights and those that are located outside the city's borders. Commissioner Groff said that the spacing requirement further guarantees that the intent of the state statute will be met, which is to give residents a normal residential experience. The commission discussed requiring that multifamily residential facilities located in multifamily zones be required to get a conditional use permit if one or more housing units is added to an existing dwelling. This condition is also required for other existing residential units and, therefore, is not unique to the licensed residential facility. After further discussion, Commissioner Groff moved to make the zoning code consistent with the comprehensive plan and require a one-half mile minimum spacing within the city limits and to schedule a public hearing on the proposed amendment to the zoning code for February 24, 1997. Commissioner Hanschen seconded the motion. It passed unanimously.

Review of the suitability and conditions for a pool hall and billiard parlor in a B - 3 zone.

The staff requested that the commission review the pool hall and billiard parlor use in a B - 3 zone. Specifically, Administrator Hoyt asked the commission to consider the use's suitability with surrounding residential properties and whether or not more specific conditions should be attached to those currently in the zoning code. Administrator Hoyt suggested that it is useful to make the conditions as specific as possible in the zoning code, but still leave the opportunity open to add conditions to a specific application for a c.u.p.

to deal with the unique circumstances of a particular location. After some discussion, the commission directed the staff to bring back more information from the police on recommended security requirements and what constitutes a formal, documented complaint as well as information from other inner ring suburbs on how they handle zoning and licensing for pool halls and billiard parlors.

Report on the status of the comprehensive plan . Administrator Hoyt reported that she is beginning work on the comprehensive plan amendments. She said that she would bring some of the proposed revisions to policy areas to the next planning commission meeting.

Change of meeting date. Due to President's Day being on the third Monday of the month in February, the next planning commission meeting will be on February 24, 1997.

Commissioner Hanschen moved to adjourn. Seconded by Commissioner Wilcox. The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Susan Hoyt
Recording Secretary
City Administrator

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 22, 1997**

Mayor Gehrz convened the meeting at 7:00 p.m.

PRESENT

Gehrz, Gibson Talbot, Hustad, and Jacobs. Also present were Hoyt and Asleson.

ABSENT

Kuettel.

MINUTES OF JANUARY 8, 1997

Minutes were approved by unanimous consent with one grammatical correction.

CONSENT AGENDA APPROVED

Motion was made by Councilmember Gibson Talbot to approve the following consent agenda. Motion passed unanimously.

1. Disbursements
2. Licenses
3. Authorization to purchase a steel snowplow and replacement broom
4. Approval of pay equity report
5. Authorization to adjust mileage reimbursement rate
6. Approval of election judges for February special elections
7. Authorization to purchase a personal computer
8. Appointment to Park and Recreation Commission

POLICY AGENDA

DISCUSSION OF THE 1997 ACTIVITIES PLAN

Using the goals and action items established for the year, the council gave updates on activities such as MCAD, Teen Court, street reconstruction projects, and the establishment of a Hate Crimes response plan. The council also discussed work plans for other action items, including intergenerational dialogue/asset building seminar, volunteer appreciation, and an open house with area businesses.

INFORMATION ON THE CITY'S 1996 SNOWPLOWING COSTS

Administrator Hoyt reported that, due to the unusually heavy snowfall, the city had gone over budget in snowplowing expenditures for 1996. This is the first time the city has gone over budget since the Halloween snowstorm of 1991. The council reviewed the numbers and determined that there does not need to be any change to the city's policy of plowing after two inches of snowfall.

ADJOURNMENT

The meeting adjourned at 7:52 p.m.



Carla Asleson

Carla Asleson
Recording Secretary

Susan L. Gehrz, Mayor

Planning Commission
Date: 2/24/97
Item: 1

ITEM: Public hearing and consideration of an amendment to the zoning code related to the spacing of licensed residential facilities

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Planning Commission
Eric Galatz, attorney for the city

EXPLANATION/DESCRIPTION:

Summary. At its January meeting, the planning commission considered an amendment to the city's zoning code related to the spacing of licensed residential facilities. The city's comprehensive plan includes a 1/2 mile spacing requirement whereas the zoning code is silent on spacing these facilities. It is important to bring the plan and the zoning code into conformance. The commission is holding a public hearing on a proposed requirement of one-half mile spacing between licensed residential facilities within the Falcon Heights city limits. The one-half mile spacing requirement is not applicable from a property outside the city limits to a property within Falcon Heights.

Action requested. Hold a public hearing. Discuss the proposed amendment to the zoning code.

Staff report.

State law makes a licensed residential facility of 6 or fewer persons a permitted use in a single family residential zone and a licensed residential facility serving 7 to 16 persons a permitted use in multi-family districts. Facilities for juvenile sex offenders are an exception to this statute. The purpose of the statute is to provide residents of these facilities with a neighborhood living experience rather than an institutional one. Requiring a spacing requirement guarantees that these homes will not be clustered together. If this ordinance is adopted, it is estimated that the city could accommodate approximately 5 homes throughout the city. There are 3,800 residents in the non-university portion of Falcon Heights and 1,222 single family homes. The city is 2.5 square miles including the Fair and University area.

The attached proposed revisions accomplish the spacing requirement. The condition under 9-6.01(2)(b) and 9-7.01(2) (a) related to conversion of housing units is applicable to all housing not just licensed residential facilities.

Staff recommendation. The staff recommends approving the spacing requirement to bring the comprehensive plan and the zoning code into conformance with each other and to better accomplish the goals of the state statute related to creating a normal residential living environment of licensed residential facilities.

ATTACHMENTS:

- 1 Proposed revisions to the zoning code
- 2 Proposed revisions as they appear in the zoning code
- 3 State Statute 462.357 Subd. 7 and Subd. 8

ACTION REQUESTED:

Staff report on the proposed ordinance change.
Questions from the commission.
Open the public hearing.
Close the public hearing.
Discuss the proposed ordinance change.
Approve, amend or deny the proposed ordinance change.

9 - 4.01 Subdivision 1. permitted uses in an R - 1 zone (R-2, R-3 by reference)

- c. Licensed residential facilities as defined in state statute 462.357 subdivision 7 within one half mile or more from another licensed residential facility as defined in state statute 462.357 subdivision 7 and subdivision 8. The one half mile distance requirement only applies to the distance between licensed residential facilities residential within the city limits of Falcon Heights.

9 - 5.01 Subdivision 2. c permitted uses in an R - 2 (R-3)

- c. Licensed multifamily residential facilities as defined in state statute 462.357 subdivision 8 within one half mile or more of another licensed residential facility as defined in state statute 462.357 subdivision 7 and 8. The one half mile distance requirement only applies to the distance between licensed residential facilities within the city limits of Falcon Heights.

9 - 6.01 Subdivision 2. Conditional uses in an R - 3 zone
(Clarification of current language)

- b. Converting or expanding an existing structure by one or more additional dwelling units.

9-7.01 Subdivision 1 Permitted uses in an R -4 zone

- a. Licensed residential facilities defined in state statute 462.357 subdivision 7 and 8 within one half mile or more of another licensed residential facility as defined in state statute 462.357 subdivision 7 and 8 and located. The one half mile distance requirement only applies to the distance between licensed residential facilities within the city limits of Falcon Heights.

Subdivision 2 Conditional uses in an R - 4 zone

- a. Converting or expanding an existing structure by one or more additional dwelling units

(This restates what is in the R-3 text and incorporated by reference in the R-4 text. Therefore, it might be unnecessary to repeat this in the R -4 section. However, it is more likely to be found if it is included in the R-4 zone text too.)

9-4.01

PART 4. ONE FAMILY RESIDENTIAL DISTRICT

9-4.01 One Family "R-1"

Subdivision 1. Permitted Uses. Within any "R-1" One-Family Residential District, no structure or land shall be used except for one or more of the following uses:

- a. One family detached dwellings.
- b. Agricultural (farm, suburban) land use not involving an open retail sales lot of products on the premises.

c. Licensed residential facilities as defined in state statute 462.357 subd. 7 within one half mile or more from another licensed residential facility as defined in state statute 462.357 subd. 7 and subd. 8. The one half mile distance requirement only applies to the distance between licensed residential facilities within the city limits of Falcon Heights.

Subdivision 2. Conditional Uses. Within any "R-1" One Family Residential District, no structure or land shall be used for the following uses except by conditional use permit:

- a. Public parks and playgrounds.
- b. Public and parochial schools provided no buildings shall be located within fifty (50) feet of any lot line of an abutting lot in an "R" use district. Any fence erected around a play area shall be not less than fifteen (15) feet from a street line when said fence would be across the street from an "R" use district.
- c. Churches, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site provided no more than ten (10) persons shall reside on the site and no building shall be located within thirty (30) feet of any lot line of an abutting lot in an "R" use district.
- d. Municipal buildings and structures, excluding storage of maintenance equipment and trucks over 1 1/2 tons, stock piling of aggregate and open storage of material, but including fire fighting apparatus, provided these shall not be located within thirty (30)

Part 5. "R-2" ONE & TWO FAMILY RESIDENTIAL DISTRICTS

9-5.01 One and Two Family "R-2"

Subdivision 1. Permitted Uses. No structure or land shall be used except for one or more of the following uses:

- a. One or two family detached dwellings.
- b. All permitted uses in the "R-1" district.

c. Licensed multifamily residential facilities as defined in state statute 462.357 subd. 8 within one half mile or more of another licensed residential facility as defined in state statute 462.357 subd. 7 and 8. The one half mile distance requirement only applies to the distance between licensed residential facilities within the city limits of Falcon Heights.

Subdivision 2. Conditional Uses. No structure or land shall be used for the following uses except by conditional use permit as permitted in the "R-1" district.

Subdivision 3. Permitted Accessory Uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:

- a. All accessory uses as permitted in the "R-1" district.

Subdivision 4. Lot Area, Height, Lot Width and Yard Requirements. The following minimum requirements shall be observed subject to any additional requirements, exceptions or modifications as set forth herein.

- a. 1-Family building As required in the "R-1" District.
- b. 2-Family building As required for a 1-family building except that any building with two families shall have a minimum lot area of 12,500 square feet.

Subdivision 5. Off-Street Parking and Loading. As permitted in the "R-1" district.

Subdivision 6. Signs. As permitted in the "R-1" district.

Subdivision 7. Swimming Pools. As permitted in 9-14.01, Subd. 15.

Subdivision 8. Permitted Encroachments on Required Yards.
As permitted in the "R-1" district.

Revised 9/2/93

9-6.01

**PART 6. "R-3" LOW DENSITY MULTIPLE FAMILY RESIDENTIAL
DISTRICT-TOWNHOUSES**

9-6.01 "R-3, Multiple Family.

Subdivision 1. Permitted Uses. No structure or land shall be used except for one or more of the following uses:

- a. Any permitted use as permitted in the "R-1" and "R-2" district and as regulated therein.

Subdivision 2. Conditional Uses. No structure or land shall be used for the following uses except by conditional use permit:

- a. Any conditional use permitted in the "R-1" and "R-2" Districts except that Town House dwelling unit density shall not exceed eight (8) units per acre.

~~b. Conversion or enlargement of existing homes to accommodate 1, 2, 3 or 4 dwelling units.~~

b. Converting or expanding an existing structure by one or more additional dwelling units.

Subdivision 3. Permitted Accessory Uses. The following uses shall be permitted accessory uses:

- a. All accessory uses as permitted in the "R-1", "R-2" Districts.
- b. Conversion or Enlargement as required by terms of a conditional use permit.
- c. Town houses (not exceeding 8 dwelling units per acre). See performance standards as permitted in Section 9-14.01.

Subdivision 4. Off-Street Parking and Loading.

- a. Regulation of off-street parking and loading spaces in this Code is to alleviate or prevent congestion of

PART 7. "R-4" MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL
DISTRICT-APARTMENT BUILDINGS

9-7.01 "R-4" Medium Density

Subdivision 1. Permitted Uses. ~~None. All uses are conditional, as per below.~~

a. Licensed residential facilities defined in state statute 462.357 subd. 7 and 8 within one half mile or more of another licensed residential facility as defined in state statute 462.357 subd. 7 and 8. The one half mile distance requirement only applies to the distance between licensed residential facilities within the city limits of Falcon Heights.

Subdivision 2. Conditional Uses. Any conditional use as permitted in the "R-3" district except that multi-family dwellings shall not exceed twelve (12) per acre.

a. Converting or expanding an existing structure by one or more additional dwelling units.

Subdivision 3. Permitted Accessory Uses. Any permitted accessory use as permitted in the "R-3" district.

Subdivision 4. Lot Area, Height, Lot Width and Yard Requirements.

a. Buildings containing two (2) or more dwelling units not exceeding twelve (12) dwelling units per acre.

b. See Performance Standards as permitted in Section 9-14.01 (or as required by conditional use permit).

c. All requirements of the R-3 District shall also be required in this section. **Revised 9/2/93**

Subdivision 5. Off-Street Parking and Loading.

a. Regulation of off-street parking and loading spaces in this Code is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading from motor vehicles in accordance with the utilization of the various parcels of land and structures.

governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less than 40 acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing.

Subd. 6. Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

(1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

(2) To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in connection with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 2, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not permitted under the ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance the temporary use of a one family dwelling as a two family dwelling. The board or governing body as the case may be may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

Subd. 6a. Normal residential surroundings for handicapped. It is the policy of this state that handicapped persons and children should not be excluded by municipal zoning ordinances or other land use regulations from the benefits of normal residential surroundings. For purposes of subdivisions 6a through 9, "person" has the meaning given in section 245A.02, subdivision 11.

Subd. 7. Permitted single family use. A state licensed residential facility serving six or fewer persons, a licensed day care facility serving 12 or fewer persons, and a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445 to serve 14 or fewer children shall be considered a permitted single family residential use of property for the purposes of zoning, except that a residential facility whose primary purpose is to treat juveniles who have violated criminal statutes relating to sex offenses or have been adjudicated delinquent on the basis of conduct in violation of criminal statutes relating to sex offenses shall not be considered a permitted use.

Subd. 8. Permitted multifamily use. Except as otherwise provided in subdivision 7 or in any town, municipal or county zoning regulation as authorized by this subdivision, a state



licensed residential facility serving from 7 through 16 persons or a licensed day care facility serving from 13 through 16 persons shall be considered a permitted multifamily residential use of property for purposes of zoning. A township, municipal or county zoning authority may require a conditional use or special use permit in order to assure proper maintenance and operation of a facility, provided that no conditions shall be imposed on the facility which are more restrictive than those imposed on other conditional uses or special uses of residential property in the same zones, unless the additional conditions are necessary to protect the health and safety of the residents of the residential facility. Nothing herein shall be construed to exclude or prohibit residential or day care facilities from single family zones if otherwise permitted by a local zoning regulation.

History: 1965 c 670 s 7; 1969 c 259 s 1; 1973 c 123 art 5 s 7; 1973 c 379 s 4; 1973 c 539 s 1; 1973 c 559 s 1,2; 1975 c 60 s 2; 1978 c 786 s 14,15; Ex 1979 c 2 s 42,43; 1981 c 356 s 248; 1982 c 490 s 2; 1982 c 507 s 22; 1984 c 617 s 6-8; 1985 c 62 s 3; 1985 c 194 s 23; 1986 c 444; 1987 c 333 s 22; 1989 c 82 s 2; 1990 c 391 art 8 s 47; 1990 c 568 art 2 s 66,67; 1994 c 473 s 3; 1995 c 224 s 95

462.358 PROCEDURE FOR PLAN EFFECTUATION; SUBDIVISION REGULATIONS.

Subdivision 1. [Repealed, 1980 c 566 s 35]

Subd. 1a. **Authority.** To protect and promote the public health, safety, and general welfare, to provide for the orderly, economic, and safe development of land, to preserve agricultural lands, to promote the availability of housing affordable to persons and families of all income levels, and to facilitate adequate provision for transportation, water, sewage, storm drainage, schools, parks, playgrounds, and other public services and facilities, a municipality may by ordinance adopt subdivision regulations establishing standards, requirements, and procedures for the review and approval or disapproval of subdivisions. The regulations may contain varied provisions respecting, and be made applicable only to, certain classes or kinds of subdivisions. The regulations shall be uniform for each class or kind of subdivision.

A municipality may by resolution extend the application of its subdivision regulations to unincorporated territory located within two miles of its limits in any direction but not in a town which has adopted subdivision regulations; provided that where two or more noncontiguous municipalities have boundaries less than four miles apart, each is authorized to control the subdivision of land equal distance from its boundaries within this area.

Subd. 2. [Repealed, 1980 c 566 s 35]

Subd. 2a. **Terms of regulations.** The standards and requirements in the regulations may address without limitation: the size, location, grading, and improvement of lots, structures, public areas, streets, roads, trails, walkways, curbs and gutters, water supply, storm drainage, lighting, sewers, electricity, gas, and other utilities; the planning and design of sites; access to solar energy; and the protection and conservation of flood plains, shore lands, soils, water, vegetation, energy, air quality, and geologic and ecologic features. The regulations shall require that subdivisions be consistent with the municipality's official map if one exists and its zoning ordinance, and may require consistency with other official controls and the comprehensive plan. The regulations may prohibit certain classes or kinds of subdivisions in areas where prohibition is consistent with the comprehensive plan and the purposes of this section, particularly the preservation of agricultural lands. The regulations may prohibit, restrict or control development for the purpose of protecting and assuring access to direct sunlight for solar energy systems. The regulations may prohibit, restrict, or control surface, above surface, or subsurface development for the purpose of protecting subsurface areas for existing or potential mined underground space development pursuant to sections 469.135 to 469.141, and access thereto. The regulations may prohibit the issuance of permits or approvals for any tracts, lots, or parcels for which required subdivision approval has not been obtained.

The regulations may permit the municipality to condition its approval on the construction and installation of sewers, streets, electric, gas, drainage, and water facilities, and similar utilities and improvements or, in lieu thereof, on the receipt by the municipality of a cash deposit, certified check, irrevocable letter of credit, or bond in an amount and with surety and conditions sufficient to assure the municipality that the utilities and improvements will be

constructed or installed and 574.26 do not a

The regulation with other requirements development contracts may enforce such

Subd. 2b. **Ded** posed subdivision sewers, electric, gas and similar utilities

In addition, the division be dedicated parks, recreational wetlands, or open space. A sufficient amount in cash such public uses or of final approval, (the municipality used only the reasonable portion recreational, or corner subdivision, and (d portion of land for division.

Subd. 3. [Repealed]

Subd. 3a. **Plat** tracts, or lots, shall five or more lots or tions shall not contain additional to the

Subd. 3b. **Review** content of application approval or disapproval political subdivisions of the preliminary a or final approval motions may delegate approval or disapproval otherwise provisions shall be held on all provided by law or time and place there. At the hearing, all parties subdivision application allowing delivery of a the applicant to the by the applicant. Which do not apply is present that the subdivision

If the municipality approve or disapprove deemed preliminary to that effect. Filed by the municipality, in 60 days if the applicant regulations and all conditions presently conditioned

Planning Commission
Date: 2/24/97
Item: 2

ITEM: Discussion on conditions related to the pool hall and billiard parlor
uses

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

At the January meeting the planning commission discussed proposed conditions for a pool hall and billiard parlor use in the city's B-3 zone to add to the current conditions. The staff was directed to contact the city's prosecuting attorney and police chief about their recommendations.

These contacts were made as well as a number of inquiries into how other cities handle these uses. The staff learned that there should be zoning code conditions as well as license requirements on this use. The city's prosecuting attorney, Martin Costello, is researching this further. Staff will report on this at the meeting.

ACTION REQUESTED:

Verbal update by staff on information to date.

ITEM: Consideration on an amendment to the zoning code requiring lots to front on improved public streets

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

The city is fully developed with very few opportunities for additional development through subdividing existing lots. The zoning code requirements require a lot that is 10,000 square feet in area with an 80 foot lot frontage. The zoning code does not include the requirement that new subdivided lots front onto an improved public street. This is a typical requirement in most subdivision regulations because it protects the public health and safety by providing access to a property from a publicly maintained and controlled street. This guarantess that a neighbor cannot impede emergency vehicles such as fire, rescue or police from arriving at the scene. This also becomes a practical way of avoiding difficulties between neighbors over shared access. Therefore, it is worth considering adding this requirement to the city's zoning code.

Although there are very few opportunities for a lot to develop 'behind' an existing home in Falcon Heights, the long lots on Fairview and a few long lots off of Albert and Hamline may meet the area and front footage requirements in the zoning code, but not provide frontage to a new subdivided lot from an improved public street. These long lots provide lots of opportunities for people to expand their homes to their rear yards if they so choose.

Therefore, staff is the commission to consider including the following language in the zoning code to clarify this intent in the case of lot development that is not part of a larger planned unit development. A planned unit development requires a zoning change and provides the planning commission with the opportunity to require the appropriate access for this larger area.

9-17.04 Design Standards
Subdivision 5. Lots

A lot must front on and have direct, independent access from an improved public street unless the lot is part of a planned unit development which has internal privately owned streets that provide access to an improved public street.

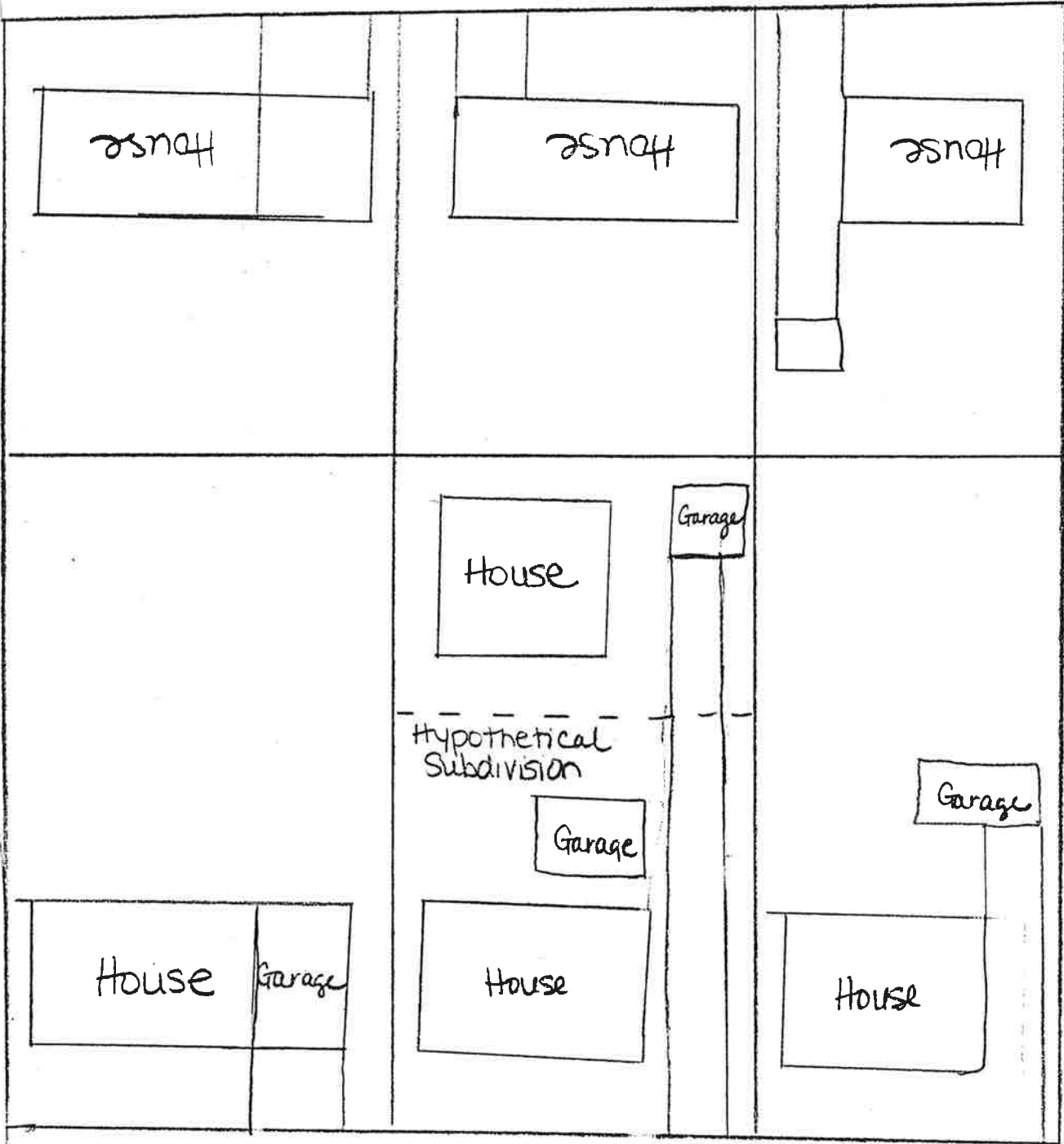
ATTACHMENTS:

- 1- Illustration of subdivided lot without independent access from a public street
- 2 - Map of general locations of the long lots

ACTION REQUESTED:

Discuss this possible amendment and determine course of action.
If desired, schedule a public hearing for the March meeting.

Street



Street

Planning Commission
Date: 2/24/97
Item: 4

ITEM: Business loan program

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

From time to time the planning commission has discussed the desirability of providing a low interest loan program to businesses for doing some sign improvements. The council is also interested in researching this possibility. In January the council authorized the administrator to proceed with this idea. The planning commission will be involved in reviewing and discussing the program from a non-financial perspective to make sure that it meets the intent of the city's comprehensive plan.

Stay tuned.

ACTION REQUESTED

None at this time.

ITEM: Planning Commissioner training opportunities

SUBMITTED BY: Carla Asleson, Administrative Assistant/Planner

EXPLANATION/DESCRIPTION:

Once again, the Government Training Service is offering two training courses specifically for planning commissioners:

THE BASICS: Thursday, March 6 or Saturday, March 22, 9 a.m. to 4 p.m.

BEYOND THE BASICS: Saturday, March 8 or Thursday, April 10, 9 a.m. to 4 p.m.

All courses are offered at the Earle Brown Continuing Education Center at the St. Paul campus of the University. The city pays the course fee, which includes lunch. Commissioners are not required to take the courses; however, they are a good review of the fundamentals of land use planning.

If you're interested in registering, please contact Carla at 644-5050 at least 7 days prior to the workshop date.

ANNUAL PLANNING INSTITUTE: THE BASICS

Thursday, March 6, ^{OR} Saturday March 22

9:00 a.m. - 4:30 p.m.

Understanding the Nuts and Bolts of Planning, Zoning and Subdivision Regulation -- For those new to land use planning and zoning or interested in a review of fundamentals.

ALL ABOUT PLANNING -- Learn how to explain to others what you do in your planning role

- The History -- Why do we plan?
- The Process -- What can it do for your community?
- The Products -- What's in a plan and what are the tangible results?

IMPLEMENTING THE PLAN -- Find out how to exercise your authority and responsibilities

- The Zoning Ordinance and its relationship to an adopted plan
- Understanding Amendments,, Conditional Use Permits and the Variance
- Enforcement -- How and When
- The Subdivision Ordinance and its relationship to an adopted Plan

KNOWING YOUR LEGAL LIMITS -- Explore ways to avoid expensive litigation

- Understanding the Laws of Planning, Zoning and Subdivision
- Avoiding Conflict of Interest
- Ensuring "Due Process"
- Conducting a proper Public Hearing and recording your Findings

PARTICIPANTS IN THE PLANNING AND ZONING PROCESS -- Discover where you fit in

- The Elected Official
- The Applicant
- The Attorney
- The Building Inspector
- The Neighbor
- The Planning Commissioner
- The Planner
- The Zoning Administrator
- The Constituent
- The NIMBY

THE SUCCESSFUL PLANNING COMMISSION -- Learn how to maximize your impact as a commissioner

- Your responsibilities as a member
- Your opportunities to influence the future
- Learning the magic word -- **Cooperation**

PRACTICE MAKES PERFECT ... or at least better -- Put what you've learned to work

- Hands on simulations of actual planning and zoning dilemmas
- Hot issues -- Answers to your specific questions

CORE FACULTY

William Griffith, Attorney, Larkin, Hoffman, Daly & Lindgren

Robert Lockyear, Director of Planning and Public Affairs, Washington County

LOCATIONS

Thursday, March 6 ^{OR} Saturday, March 22, 1997 -- Earle Brown Center, U of M St. Paul Campus,
1890 Buford Ave. • St. Paul, MN 55108 • (612) 624-3275

FEES

\$89 per person or \$75 per person for 3 or more people from same jurisdiction. This course has been approved for six hours of Continuing Real Estate Education credit.

BEYOND THE BASICS

Saturday, March 8, Thursday, April 10

↳ OR

9:00 a.m. - 4:30 p.m.

Learn about preparing and using planning tools to deal with a wide variety of development problems, plus an in-depth review of the planning process -- from proper legal notice to development of sophisticated findings of fact.

OVERVIEW OF LAND USE TOOLS -- Review the history of land use regulation

- Source and Limitations of Authority to Plan and Zone
- Fundamental Legal Principles, Balance Between the Police Power and Private Property Rights
- Comprehensive Plan -- Look at the plan elements in depth
 - Design for Community
 - Summary of Process
 - Review of Elements
- Zoning -- Develop a complete understanding of the tools and standards of zoning
 - Official Zoning Map
 - Zoning Ordinance: Permitted, Accessory Uses, Standards, Variances -- Standards for Approval, Conditional Use Permits -- Standards for Approval, Interim Use Permits
 - Rezoning
- Subdivisions Regulations
- Advanced Zoning Applications -- Explore Innovative ways to guide land use development
 - Overlay Zoning
 - Interim Development Moratoriums
 - Performance Zoning
 - Zoning for Community Aesthetics, Environmental Protection
- Community Participation -- Learn how to improve community involvement
 - Planning Commission -- Staggered Terms
 - Task Forces, Planning Committees
 - Attitudinal Surveys
 - Issues Workshops
 - Visioning
 - Newsletters
 - Open Houses

SMALL GROUP SESSIONS APPLYING PLANNING AND ZONING PRINCIPLES -- Apply what you have learned through hands-on activities

LEGAL ISSUES, EFFECTIVE PROCEDURES -- Examine the legal issues in depth

- What Are Takings?
- Applying the Principles
- Living With the 60-Day Limit

SMALL GROUP SESSION -- Apply what you have learned through hands-on activities

- Hands-on simulations of actual planning and zoning dilemmas
- Hot issues -- Answers to your specific questions

A BRIEF OVERVIEW OF MINNESOTA'S ENVIRONMENTAL REVIEW PROGRAM -- Learn about your roles and responsibilities.

- EAW, EIS, AUAR

PRACTICAL ADVICE -- Discover effective shortcuts plus ways to avoid planning and enforcement pitfalls

- Procedures Manual
- Advice for Handling Controversial Hearings
- Prototypical Planning Report
- Working Relationships
- Sample Findings of Fact
- How to Handle Conflicts

QUESTIONS, DISCUSSION

CORE FACULTY

Karen Cole, Attorney, Popham, Haik, Schobrich

John Shardlow, President, Dahlgren, Shardlow and Uban, Inc.; planning consultant

LOCATIONS

Saturday, March 8 ^{OR} Thursday, April 10, 1997 -- Earle Brown Center -- U of M St. Paul Campus

FEE

\$99 per person or \$85 per person for 3 or more people from the same jurisdiction. This course has been approved for 6.5 hours of continuing Real Estate Education Credit.