

PLANNING COMMISSION AGENDA

January 27, 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**
November 17, 1996
- C. CITY COUNCIL MINUTES**
December 4, 1996
December 11, 1996
- D. Discussion on a proposed amendment to the zoning code on spacing for residential group homes.**
- E. Review of pool hall and billiard parlor use in the B-3 zone**
- F. Update on the comprehensive plan**
- G. ADJOURN**

MINUTES
CITY OF FALCON HEIGHTS
REGULAR PLANNING COMMISSION MEETING
November 18, 1996
7 p.m.

PRESENT

Tom Brace
Wayne Groff
Alex Hanschen
Irene Struck
Wendy Treadwell
Betty Wilcox
Sue Gehrz

ABSENT

Paul Kuettel

ALSO PRESENT

Susan Hoyt, Administrator
Carla Asleson, Planner

Meeting was called to order 7 p.m. by Chair Brace.

Commissioner Treadwell moved to approve the minutes as written, seconded by Commissioner Hanschen.

Public Hearing opened at 7:10 p.m.

There being no one wishing to be heard the public hearing closed at 7:11 p.m.

After a brief discussion, Commissioner Wilcox moved to accept the proposed amendment to Chapter 9 part 2.07 of the zoning code related to placement of telecommunications antennas. Seconded by Commissioner Struck.
Unanimously approved.

Meeting adjourned 7:25 p.m.

Susan Hoyt, Administrator

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 11, 1996**

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

PRESENT

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

MINUTES OF NOVEMBER 27, 1996 AND DECEMBER 4, 1996

Both sets of minutes were approved by unanimous consent.

PUBLIC HEARING

A PUBLIC HEARING REGARDING DELINQUENT UTILITY CHARGES

At 7:01, Mayor Gehrz opened the public hearing regarding the assessment of delinquent utility charges to the property tax rolls. There being no one wishing to speak on the subject, the public hearing was immediately closed.

Motion was made by Councilmember Jacobs to approve Resolution 96-26, levying special assessments for delinquent utility charges. Motion passed unanimously.

CONSENT AGENDA APPROVED

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

1. Disbursements
2. Licenses
3. Approval to continue MPCA air monitoring lease agreement
4. Approval of request for contribution from the North Suburban Tobacco Compliance Project
5. Approval of tax increment administrative fee transfer

POLICY AGENDA

**RESOLUTION ADOPTING THE 1997 BUDGET AND CERTIFYING THE 1997
PROPERTY TAX LEVY**

Mayor Gehrz explained that the city held its budget and taxation hearing the previous week. Adoption of the budgeted and associated property tax levy finalizes the budget process for 1997.

~~Motion was made by Councilmember Kuettel to adopt Resolution 96-27, designating~~
First Bank as the city's checking account depository. Motion passed unanimously.

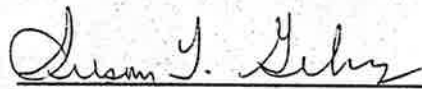
CONSIDERATION OF A CITY RESPONSE TO A CHEMICAL LEAD AT HAWKINS CHEMICAL

Mayor Gehrz explained that Hawkins Chemical, located in Minneapolis just west of Lauderdale, had a chlorine gas release on December 6. Some residents of Lauderdale were evacuated, and the city's police and fire departments assisted with the situation. This is the third such release at this facility in two years.

Mayor Gehrz asked the council if it concurred with her wish to send a letter to Minneapolis Mayor Sharon Sayles Belton, expressing concern over the situation and support for Minneapolis' efforts to prevent future occurrences. The council supported Mayor Gehrz's idea.

ADJOURNMENT

The meeting adjourned at 7:58 p.m.



Susan L. Gehrz, Mayor



Carla Asleson
Recording Secretary

CITY OF FALCON HEIGHTS
SPECIAL CITY COUNCIL MEETING
MINUTES OF DECEMBER 4, 1996

304

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

PRESENT

Gehrz, Hustad, Jacobs, and Kuettel. Also present were Hoyt, Asleson, and Rigdon.

ABSENT

Gibson Talbot (arrived later).

CONSENT AGENDA APPROVED

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

1. Acceptance of the voluntary resignation of Joe Rigdon, city accountant.

PUBLIC HEARING

Councilmember Gibson Talbot arrived at 7:04 p.m.

Mayor Gehrz opened the public hearing regarding the city budget and proposed levy at 7:05 p.m.

Administrator Hoyt and Accountant Rigdon gave a presentation on the city's proposed 1997 budget and associated levy. Hoyt explained the budget process and the goals that guide the budget. Rigdon identified the specific expenditures and revenues contained in the budget. Hoyt then explained the property tax impact of the city's proposed levy increase. The total proposed budget is \$3,963,879, with \$1,209,143 comprising the general operating fund.

An unidentified man asked why the school system keeps spending more money on new items for school children. Mayor Gehrz thanked the resident for his comments, but noted that the city has no authority over the amount of the school district's levy and hoped that he would communicate his concerns to the school board.

There being no one else wishing to be heard, the public hearing was closed at 7:46 p.m.

POLICY AGENDA

REPORT FROM THE EMS TASK FORCE ON THE CITY'S EMERGENCY MEDICAL SERVICES

Councilmember Jacobs, EMS Task Force Chair, reported on the progress of the transition to using St. Paul Fire for Advanced Life Support (ALS) service. He noted a slight shift from the previous transition plan. Effective January 1, 1997, all 9-1-1 calls

City of Falcon Heights
Planning Commission

Date: 1/27/97
Item: 1

ITEM: Discussion on a proposed amendment to the zoning code on spacing for residential group homes

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Eric Galatz, Attorney

EXPLANATION/DESCRIPTION:

Summary. State statute supersedes cities local zoning codes by making licensed residential homes with six or fewer persons a permitted use in single family residential districts. State statute also makes licensed multifamily residential facilities with 7 to 16 residents a permitted use in multifamily residential zones. The city's comprehensive plan includes a 1/2 mile spacing requirement for residential group homes. However, the zoning code has not been amended to include this spacing requirement for residential group homes. The two documents should be consistent.

Action requested. Consider adding language to the city's zoning code in residential districts that requires a 1/2 mile distance between state licensed residential facilities (group homes).

Goal 2. To maintain and promote the assets of the city's unique neighborhoods.

Additional information and discussion.

- State statute supersedes local zoning codes by making state licensed residential group facilities of six or fewer persons, a licensed day care facility serving 12 or fewer persons and a group family day care facility are a permitted use in residential districts. It also provides for a state licensed residential facility of 7 to 16 persons or a licensed day care facility serving 13 to 16 persons as a permitted use in a multifamily residential district. The multifamily facility can be governed by a conditional use permit, if the community desires to make it such as long as the conditions are the same as would be applied to any other similar residential use.
- Residential facilities for juvenile sex offenders are excluded as a permitted use by state statute.

- This statute was adopted to guarantee residents of these residential facilities a location that is considered a normal residential setting. Since state statute supersedes local zoning controls, cities cannot exclude or require conditions on the location of these facilities except where there are similar conditions on other residential properties within the zone.
- Many cities adopt a spacing requirement for licensed residential facilities in their local ordinances to guarantee that there will be no concentration of these facilities in one area. By controlling for a reasonable concentration of these facilities, the city further guarantees the intent of the state statute, which is to have persons in these residential facilities, live in a normal residential environment is met.

The commission should decide if it wants to recommend that a spacing requirement be in the zoning code. If it does, the suggested spacing is for 1/2 mile between facilities. The 1/2 mile would be in a straight line between the facilities. Either the zoning code should be amended to include this or the reference to spacing group homes should be deleted in the comprehensive plan when it is revised this winter and spring.

Recommendation. Staff recommends adopting a spacing requirement of 1/2 mile between homes. The recommendation does not include a spacing requirement for the day care facilities that are also included in statute.

9 - 4.01 Subdivision 1. permitted uses in an R - 1 zone

- 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.

(This becomes a permitted use in the R -2)

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.

(This becomes a permitted use in the R -3 by reference in the code.)

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.
 - 1) These residential facilities will require a conditional use permit for expanding an existing structure by one or more housing units. *

subdivision 2. conditional uses

- d. Licensed multifamily residential facilities defined in state statute 462.357 subdivision 8 adding one or more housing units to an existing structure. *

*This condition is required for other residential properties in the R -4 district.

ATTACHMENTS:

- 1 - state statute 462.357 subdivisions 7 and 8
- 2- zoning code

ACTION REQUESTED:

Staff report.
Questions of staff.
Discussion among commissioners.
Direct staff on whether or not to include spacing requirement.

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 →
Single
family
R-1

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 →
multi
family
R-2
R-3
R-4

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; Ex1979 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

City of Falcon Heights
Planning Commission

Date: 1/27/97

Item: 2

ITEM: Review of the pool hall and billiard parlor use in the
B-3 zone

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary. Review the pool hall and billiard parlor's use for suitability and/or additional conditions in the B - 3 zone.

Action requested. Direct staff on any desired changes in the pool hall and billiard parlor use.

Goal 2. To maintain and promote the assets of the city's unique neighborhoods.

Additional information and discussion.

It is important to make sure that the business uses allowed in the zoning code are compatible with the adjacent residential neighborhoods so that both the businesses are successful and the residential neighborhoods thrive. Given this, it is time to review the pool hall and billiard parlor use, which is a conditional use in the B-3 district, because there have been some problems with past pool hall operations about six years ago. The code currently includes the following conditions:

1. no electronic games
2. hours of operation from 9AM to midnight
3. exit and entrance toward Larpenteur or Snelling Avenue not toward the adjacent residential neighborhood
4. parking must be accommodated along the building's facade facing Snelling or Larpenteur Avenues, not along the building's facade facing the adjacent neighborhood
5. Security personnel as deemed necessary at the time of the application for a permit and at the annual review of the permit

Additional conditions can be adopted at the time the permit is considered.

There are no pending applications or current inquiries for a pool hall or billiard parlor known to the city staff at this time.

Commission consideration. The ordinance says that additional conditions may be invoked at the time of the application. However, it is best to put as many of the anticipated conditions in the code as possible. The commission might consider the following options:

(The license goes with the proprietor; the conditional use permit goes with the property)

1. leave the use as it is with the same conditions
2. eliminate the use from the district
3. add conditions to the use such as
 - the ground floor is the only area used for the pool hall and related activities
 - the proprietor must undergo a criminal background check prior to issuing the license for the establishment ; with denial of the license if the proprietor has been convicted of (the items listed below)
 - From the Columbia Heights Ordinance
 - ✗ The proprietor must state whether he or she has been convicted for the violation of any law related to gambling activities. Such a conviction may be grounds for denial of the license.
 - ✗ Suspension or revocation of the license if the licensee, the owner, the manager, or any of its employees or agents have engaged in the following activities including:
 - a. fraud, deception or misrepresentation in connection with the securing of a license
 - b. conduct inimical to interest of public health, safety, and welfare
 - c. conduct involving moral turpitude

- d. conviction of an offense involving moral turpitude by any court of competent jurisdiction
 - e. failure to comply with any of the provision of this section or engaging in conduct which would be grounds for denial of an initial license application
- ∞ Revocation of the license if the police department receives five or more complaints within one month's time for any of the following activities occurring within, upon or around the premises operating the licensed pool hall:
- a. fencing of stolen goods
 - b.. possession and/or distribution of controlled substances
 - c. public intoxication
 - d. disorderly conduct or assault

ACTION REQUESTED:

- Staff report on the history of the pool hall and billiard parlor use
- Questions and discussion
- Direct staff on how to proceed

City of Falcon Heights
Planning Commission

Date: 1/27/97
Item: 3

ITEM: Update on the comprehensive plan

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

The planning commission will be considering some amendments to the comprehensive plan over the coming months. The staff is currently learning about the new requirements for the plan from the Metropolitan Council.

NO ACTION REQUESTED