

PLANNING COMMISSION AGENDA

June 16, 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

May 19, 1997

C. CITY COUNCIL MINUTES

May 14, 1997

D. BUSINESS

1. Request for a variance of three feet from the required five foot rear yard setback for the construction of an addition to an existing garage at 1456 W. Idaho Avenue.
2. Public hearing and proposed amendment to §9-10.01 of the zoning code related to pool halls as a conditional use in a B-3 zone. (Hearing to begin no earlier than 7:15 p.m.)
3. Staff Updates

E. ADJOURN

City of Falcon Heights
Planning Commission Minutes
19 May 1997

Commissioners Present:

Tom Brace
Alex Hanschen
Wendy Treadwell
Betty Wilcox

Commissioners Absent:

Paul Kuettel
Irene Struck
Wayne Groff (arrived later)

Also Present:

Carla Asleson, Planner
Sue Gehrz, Mayor

The meeting was called to order at 7:00 p.m.

Approval of planning commission minutes

Commissioner Treadwell moved approval of the minutes from the April 21, 1997 meeting, Commissioner Wilcox seconded the motion. The motion passed unanimously.

Commissioner Groff arrived at 7:03 p.m.

Discussion regarding adoption of a housing code.

Planner Asleson discussed the results of research she'd done regarding routine inspections of multi-family residences. Of the eleven inner-ring suburbs that had this type of program, four cities inspect every unit in the city for housing code conformance, one inspects only the common areas, and six do not do preventative housing code inspections at all. The cities that do housing code inspections find them useful in maintaining the housing stock. However, each of the cities that have comprehensive inspection programs have full-time staff members dedicated to the inspection program and each charges annual license fees to the apartment owners to recoup part of the city's cost to have inspection programs. Given that Falcon Heights already has access to the common areas of apartment buildings via its fire inspections and that the apartment housing stock is in reasonably good condition, Asleson recommended against using a housing code for routine multi-family inspections. If a housing code is adopted and there is a need for annual inspections becomes apparent, there will be the enforcement tools already in place to begin a program at a later time.

The commission then discussed the details of the draft housing code. The commissioners wanted a new definition of the word "cellar", as the proposed definition could be confused with a finished basement. The new definition

should allow habitable space in basements without allowing for "root cellars", or unfinished area below grade with very low ceilings. The requirements for door locks was amended to clarify that only the doors leading directly to a dwelling unit need locks (as opposed to every door in the dwelling unit.)

Commissioner Groff moved to recommend approval of the housing code with the amendments discussed above, with a recommended use as a tool to address housing complaints and concerns rather than for a routine inspection program. Commissioner Hanschen seconded the motion. The motion passed unanimously.

Adjournment

Commissioner Groff moved to adjourn the meeting. Seconded by Commissioner Treadwell. The meeting was adjourned at 8:07 p.m.

Respectfully submitted,

Carla Asleson
Planner

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 14, 1997**

331

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

PRESENT

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

ABSENT

Gibson Talbot.

COMMUNITY FORUM

There was no one wishing to take advantage of the community forum.

MINUTES OF APRIL 23, 1997

Minutes were approved by unanimous consent, with the sentence "The tunnel would be completely paid for and managed by the golf course" changed to read "The tunnel would be paid for by the county and the university and managed by the university."

CONSENT AGENDA APPROVED

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

1. Disbursements
2. Licenses
3. Cancellation of the June 14, 1997 council meeting and scheduling a June 4 council workshop
4. Approval of payment for permanent and temporary easements to Mrs. Frances Heinselmann, 1783 Lindig Street

PUBLIC HEARING

**HEARING ON THE PROPOSED ASSESSMENTS FOR THE LINDIG STREET
RECONSTRUCTION PROJECTS**

Mayor Gehrz opened the public hearing at 7:10 p.m. As there was no one in the audience wishing to speak on the subject, Engineer Maurer reviewed the Lindig Street project to be assessed. Since there are two projects occurring on Lindig Street (mill/overlay to the south and street construction to the north) there are actually two assessments with different payback periods.

Mayor Gehrz closed the public hearing at 7:14 p.m.

POLICY AGENDA

CONSIDERATION OF RESOLUTION NOS. 97-13 AND 97-14 ADOPTING THE ASSESSMENT ROLLS FOR THE LINDIG STREET PROJECT

Motion was made by Councilmember Jacobs to approve Resolutions 97-13 and 97-14, adopting the assessment rolls for the Lindig Street project. Motion passed unanimously.

CONSIDERATION OF RESOLUTION 97-15 AWARDDING THE BID FOR THE LINDIG STREET PROJECT

Engineer Maurer noted that the lowest responsible bidder for the Lindig Street project was Tower Asphalt at a cost of \$85,965.00.

Motion was made by Councilmember Hustad to approve Resolution 97-15, awarding the bid for the Lindig Street project to Tower Asphalt. Motion passed unanimously.

CONSIDERATION OF RESOLUTION 97-16 APPROVING AN AGREEMENT TRANSFERRING THE FALCON HEIGHTS WATER SYSTEM TO THE OWNERSHIP OF THE ST. PAUL WATER UTILITY

Administrator Hoyt reported that a final agreement transferring ownership of the city's water system to the St. Paul Water Utility was complete. The transfer allows Falcon Heights water users the same rate for water as St. Paul water users by the year 2003. It also guarantees suburban representation on the water utility board. The St. Paul Water Utility benefits from the arrangement because it will have a long term guarantee that Falcon Heights will be part of its water system.

The council then discussed the 4% surcharge. The funds from this surcharge are put in a dedicated fund to be used for water hydrant repair and pipe work associated with a street project, items which the St. Paul Water Utility would not cover under the agreement. The council determined that it would be appropriate to continue collecting the surcharge, as there are still several streets that need reconstruction and may require water expenses. The surcharge can be reconsidered after all of the streets in the city have been upgraded.

Motion was made by Councilmember Kuettel to approve Resolution 97-16, approving an agreement transferring the Falcon Heights water system to the ownership of the St. Paul Water Utility. Motion passed unanimously.

DISCUSSION AND DIRECTION ON THE ADVANCED LIFE SUPPORT (ALS) LICENSE FOR EMERGENCY MEDICAL SERVICES

Mayor Gehrz explained that the city needed to decide how to guarantee continued Advanced Life Support (ALS) to the community. The city presently has a memorandum from the City of St. Paul stating that St. Paul will provide the service. There is a 90 day termination clause. There are three options to consider: 1) requesting that St. Paul extend its primary service area to include Falcon Heights under its ALS license; 2) proceeding with

an application for an independent ALS license for Falcon Heights and negotiating a long-term contract with St. Paul for the service; or 3) continuing as the city has for the past seven months without an ALS license. Falcon Heights cannot operate its own ALS service because the low volume of runs makes it impossible to keep up training and it is too expensive. If the City of St. Paul becomes uninterested in providing ALS service to Falcon Heights, the only other service provider available to provide ALS coverage is a private sector ambulance company that serves primarily the northern suburbs.

The council discussed that it would be prudent to request that St. Paul incorporate Falcon Heights into its primary service area. The rationale for this decision was that once in St. Paul's PSA, it would be more difficult for St. Paul to decide to stop serving Falcon Heights because they would have to petition the State EMS board before being allowed to drop service. If Falcon Heights were to hold its own license, St. Paul could decide to stop service with only 90 days notice. If St. Paul decided to stop service, the city would have no choice but to contract with the private sector ambulance company, which has no station within the immediate vicinity of Falcon Heights and charges more to the patient for ambulance service. Fire Chief Nick Baumann spoke about his concerns regarding the cost of this arrangement.

Motion was made by Councilmember Hustad to direct the City Administrator to contact the City of St. Paul and request incorporation into St. Paul's primary service area for Advanced Life Support service, with the following conditions: 1) Falcon Heights be provided with the same level of service as St. Paul; 2) St. Paul will maintain the service through a user fee in Falcon Heights without asking the city to pay for the service through its annual budget; and 3) St. Paul will notify Falcon Heights of any significant changes in service delivery such as a change in ambulance staffing models, in the permanent location of the primary responding paramedic units, or in increased average response times to medical emergencies. Motion passed unanimously.

PRESENTATION AND EXPLANATION OF THE BIDS FOR THE LARPENTEUR AVENUE STREETSCAPE PROJECT

Michael Schroeder, of Hoisington Koegler Group, presented the bids for the three components of the Larpenteur Avenue streetscape project. The three bids were for landscaping (package A), streetlights/sidewalk work (package B), and signs (package C). The bids for package C came in significantly higher than expected. Schroeder plans to discuss the bids with the contractors to see if there are areas where the design could be changed to lower costs. This may require re-bidding package C if the changes are significant. Schroeder was willing to recommend approval of North Metro Landscaping for bid package A-1 (shrubs and hedgerows) and of Killmer Electric for bid package B, with some minor change orders.

Motion was made by Councilmember Jacobs to proceed in negotiations for change orders with Killmer Electric prior to the award of the bid for package B. Motion passed unanimously.

Motion was made by Councilmember Kuettel to accept the bid of North Metro Landscaping for bid package A. Motion passed unanimously.

LEAGUE OF MINNESOTA CITIES FLOOD ASSISTANCE PROGRAM FOR CITIES

The council discussed ways in which the city could lend assistance to cities in western Minnesota that have been devastated by flooding. Staff was directed to determine if there was surplus equipment that could be donated for the effort and to accept donations of cleaning supplies at city hall for flooded victims.

ADJOURNMENT

The meeting adjourned at 9:01 p.m.



Carla Asleson
Recording Secretary



Susan L. Gehrz, Mayor

PLANNING COMMISSION

Date: 6/16/97

Item: 1

ITEM: Request for variance of 3 feet from the required five foot rear yard setback for the construction of an addition to an existing garage at 1456 W. Idaho Avenue, Chapter 9-2.01 subd. 1 (c)

SUBMITTED BY: Darlene McMinn, Property Owner

REVIEWED BY: Carla Asleson, Administrative Assistant/Planner

EXPLANATION/DESCRIPTION:

A. REQUEST FOR VARIANCE

Ms. Darlene McMinn, owner of 1456 W. Idaho Avenue, is requesting a variance to add on to her existing garage at a rear yard setback of 2 feet rather than the required rear setback of five feet. The addition would add eight feet of depth to the existing 20' deep garage. Ms. McMinn has indicated that she needs additional depth in the garage to accommodate the length of her vehicle, rather than additional width.

The side yard setback of the new addition would be eight feet, which meets the zoning code and does not require a variance. With the proposed addition, the new garage would be 560 square feet (20' wide by 28' deep). The garage size meets code and would therefore not require a variance.

See attachment 1 for a site plan of the proposed garage and setbacks.

B. CHARACTERISTICS OF THE PROPERTY

The subject property is a corner lot located on an alley in the Northome neighborhood. Because of the corner location, the garage is accessed from Pascal Street rather than from the alley.

C. ZONING CODE REQUIREMENTS

The zoning code requires that garages on alleys have interior side and rear setbacks of five feet, *unless* all of the following criteria are met, in which case the minimum setback is one foot:

- Garage is accessed from an alley, not a public street; and
- Entire garage is located within the rear 28 feet of the lot; and
- Garage is oriented such that the vehicle access door is perpendicular to the alley.

See attachment 2 for sample sketches of these situations.

The zoning code also allows additions to homes and garages to be built at the same *side* yard setback as the existing home or garage, even if the existing home or garage is built at a setback of less than five feet. It does not, however, allow for additions of less than five feet to the *rear* yard setback.

D. ANALYSIS

Other options for making the garage deeper

Before granting a variance, the commission needs to determine if there is a reasonable way for the applicant to do her project that would not require a variance. Given that the applicant's concern is garage depth, rather than width, there are only two other options for completing the project:

1. Add on to the north side of the garage and move the vehicle door to the south side of the structure. This would give the applicant the desired depth, but would not be feasible due to the fact that the existing garage is only two feet off the alley. It would be very difficult for a vehicle to make the turn from the alley into the garage without the garage being set back at least five feet.
2. Build the addition at a rear setback of five feet, despite the fact that the existing garage has a 2 foot setback. This would not be aesthetically desirable and would give the applicant the desired depth on only one side of the garage.

Given the concerns with #1 and #2, the applicant's proposal appears to be the most feasible way to add depth to the garage.

Public Safety Issues

The reason that a five foot rear yard setback off of alley is sometimes required is to allow vehicles sufficient room to make the turn into the garage off of the alley. Because this property uses the street for access, having a 2 foot setback at this location is not a public safety concern.

Uniqueness of the Property

This property is unique in that has access to an alley but instead uses street access. The zoning code regulations were written with the assumption that persons with garages on alleys would use the alley for access. *If the existing garage on this property had been built to access the alley, the proposed addition could be built at a setback of less than five feet.*

The existing garage at 20' wide by 20' deep, is about as small as a garage can be while still parking two vehicles. This variance would allow for an addition to the garage's depth while still staying under the maximum area allowed for a garage.

Compatibility with neighborhood design

Many of the garages in the Northome neighborhood have rear yard setbacks of less than five feet because they were able to meet the zoning code requirements for size, location of the door, and alley access. If this variance is granted and the proposed garage built, it will not be out of character with the rest of the garages on the alley.

E. COMMENTS FROM NEIGHBORS

Letters regarding the proposed garage addition were sent to the two abutting property owners. Staff received calls from the property owners, Robert Fry and Charles Sederholm. Both had spoken with the applicant about her proposed plans and neither had any objection to them.

F. STAFF RECOMMENDATION

Staff is recommending approval of this variance for the following reasons:

1. The property is unique in that it has alley access, but uses the street for garage entry rather than the alley. If the original builder of the garage had chosen to use alley access rather than street access, this garage could be built at the requested setback without a variance. The property owner did not build this garage and did not create the hardship for herself.
2. Building the garage at the two foot rear yard setback is consistent with the setbacks and sizes of other garages on the alley.
3. The variance will not cause a safety problem, as the five foot rear yard setback was written to allow for alley access to garages and this property has street access.

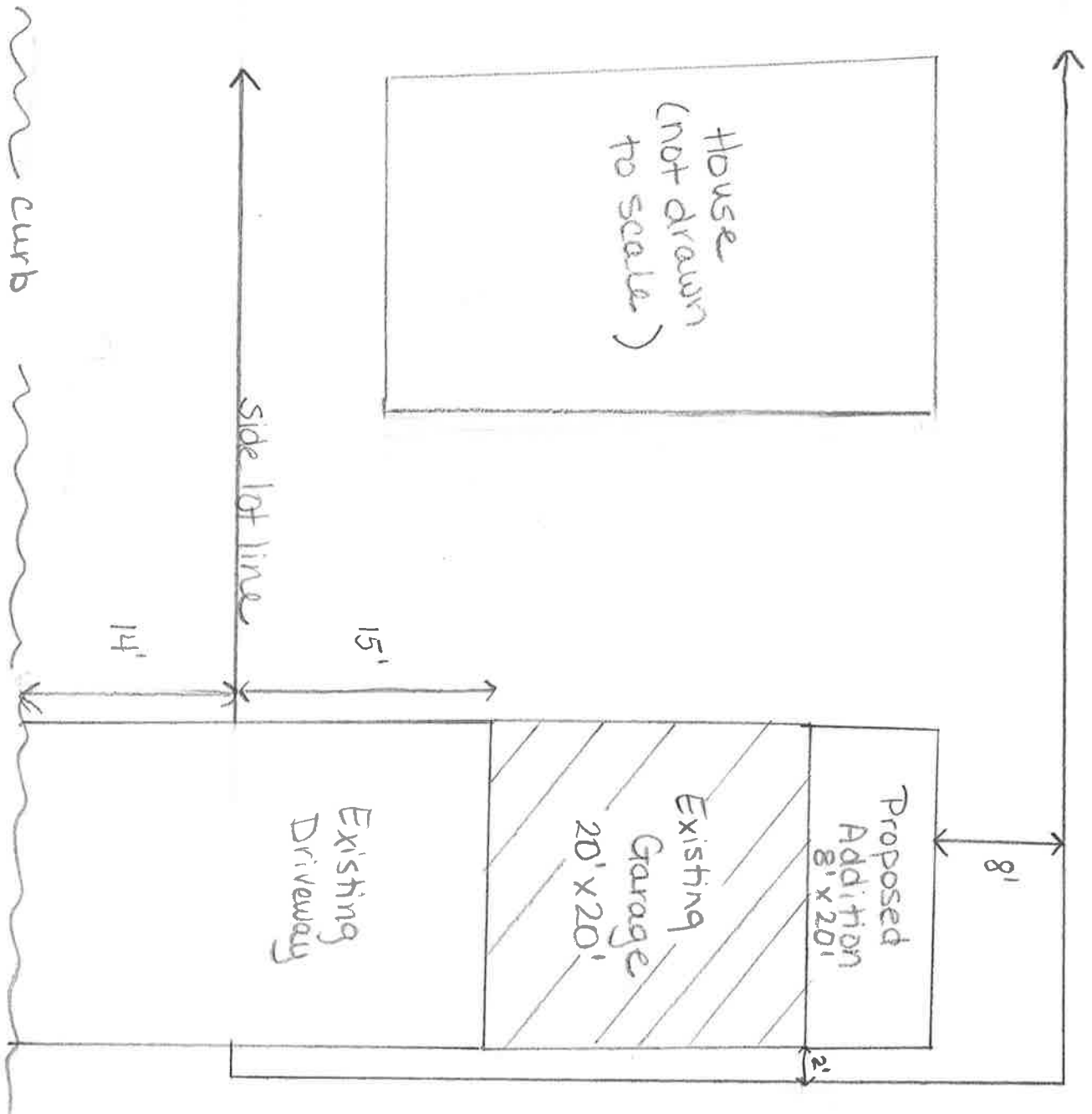
G. ATTACHMENTS

1. Site plan of property showing proposed garage
2. Setback requirements for garages on alleys (sketch)
3. Standards for granting a variance
4. Proposed Resolution

H. ACTION REQUESTED

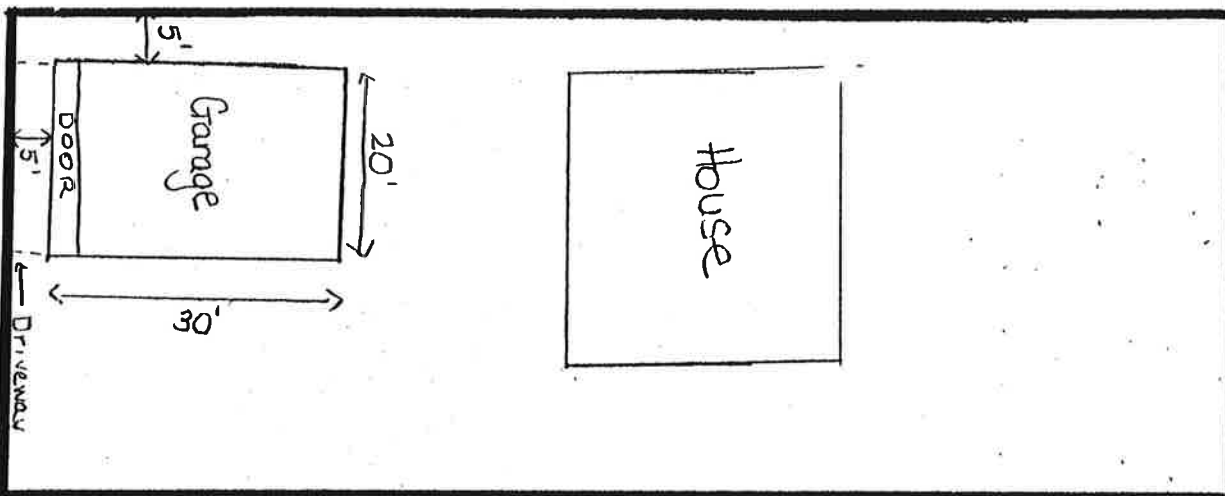
- Hear staff report
- Discussion and questions
- Approve the requested variance of 3 feet from chapter 9-2.04 subd. 1(c) of the zoning code by adopting a resolution that states that this property meets the standards for granting a variance, specifically 9-15.03 subd 4 (g), that the property is unique and that a hardship would result if the strict letter of the chapter were carried out.

Idaho Avenue

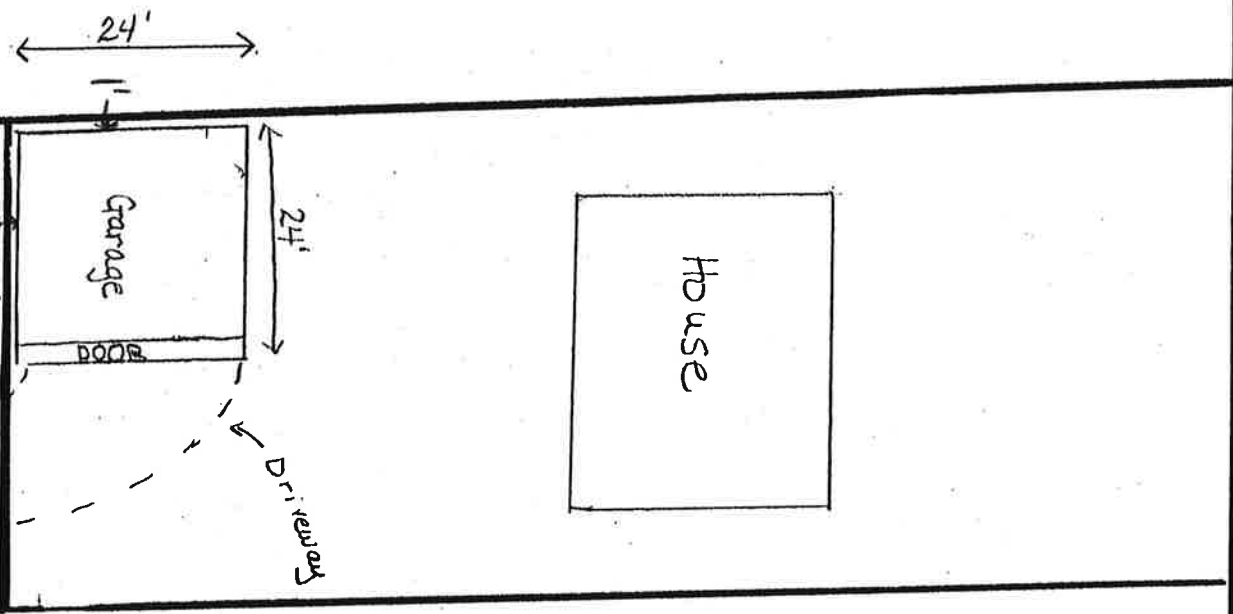


Alley

SETBACK REQUIREMENTS FOR GARAGES ON ALLEYS



- Must be five feet off the side and rear lot lines if
- The door is parallel to the alley OR
 - The garage is not kept in the rear 28 feet of the lot.



- May be one foot off the side and rear lot lines if
- The door is perpendicular to the alley AND
 - The garage is kept in the rear 28 feet of the lot AND
 - Access to the garage is from the alley

9-15.03. Variances

Subdivision 4. Standards for Granting of Variance. No variance shall be granted unless the City Council shall make without qualification on the basis of evidence presented at the meeting the following findings:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property;
- e. That the variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;
- g. Whether the shape, topographical condition or other similar characteristic of the tract is such as to distinguish it substantially from all of the other properties in the zoning district of which it is a part, or whether a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the Chapter were carried out;
- h. Whether the variance is sought principally to increase financial gain to the owner of the property, and to determine whether a substantial hardship to the owner would result from a denial of the variance;

No. 97-01

Date: 6/16/97

CITY OF FALCON HEIGHTS

PLANNING COMMISSION RESOLUTION

RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FOR 1456 W. IDAHO AVENUE

On June 16, 1997, the Falcon Heights planning commission recommended granting the following variance request for 1456 W. Idaho Avenue:

Chapter 9-2.04 subd. 1 (c) requiring a five foot rear yard setback in an R-1 zoning district.

A variance of three feet to allow an addition to an existing garage at a rear yard setback of two feet where a minimum of five feet is required in the zoning code.

The planning commission adopted the following findings for recommending the granting of the variance at 1456 W. Idaho Avenue:

- a. That the granting of the variance will not be detrimental to the public welfare;
- b. That the granting of the variance will not substantially diminish or impair property values or improvements in the area;
- c. That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights;
- d. That the variance will not impair an adequate supply of light and air to adjacent property.
- e. That the amended variance will not impair the orderly use of the public streets;
- f. That the variance will not increase the danger of fire or endanger the public safety;

- g. That a particular hardship, as distinguished from mere inconvenience to the owner, would result if the strict letter of the chapter were carried out;
- h. That the variance is not sought principally to increase financial gain of the owner of the property and that a substantial hardship to the owner would result from a denial of the variance.

PLANNING COMMISSION

Date: 6/16/97

Item: 2

ITEM: Public hearing and proposed amendment to section 9-10.01 of the zoning code related to pool halls as a conditional use in a B-3 zone

SUBMITTED BY: City Council

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

At the May 28, 1997 city council meeting, the city council discussed licensing requirements for pool halls and billiard parlors. This type of use is a conditional use in the B-3, Snelling/Larpenteur business district. The city council discussed pool halls and determined that they may not be appropriate use to permit, even as a conditional use, due to the fact that all B-3 property in the city directly abuts residential property with setbacks of sometimes as little as fifty feet from the building to the abutting residential lot.

The city council directed staff to arrange for the necessary public hearing to amend the zoning code to remove pool halls as a conditional use in a B-3 district. The council also adopted a moratorium on this use until a decision on the proposed amendment has been completed.

Eliminating pool halls as a conditional use is not a legal problem because pool halls are not a protected use under the First Amendment.

Attachment:

Draft city council ordinance 97-03

Action requested:

- Staff report
- Hold public hearing
- Discussion
- By motion, formally comment on removing pool halls as a conditional use in a B-3 district or move to remain silent on the proposed amendment.

DRAFT

No. 97-03

CITY OF FALCON HEIGHTS

ORDINANCE

Date: June 25, 1997

AN ORDINANCE AMENDING CHAPTER 9 OF THE CITY CODE REGARDING POOL HALLS AS A
CONDITIONAL USES IN A B-3 ZONE

The City Council of the City of Falcon Heights does hereby ordain:

Section 1. Chapter 9-10.01 subd. 3 is hereby amended as follows:

~~_____ m. Pool halls and billiard parlors meeting the following minimum conditions and other conditions as deemed necessary at the time of application:~~

~~_____ (i) no electronic games~~

~~_____ (ii) hours of operation from 9 a.m. to midnight~~

~~_____ (iii) exit and entrance toward Larpenteur or Snelling Avenue, not toward the adjacent residential neighborhood~~

~~_____ (iv) parking accommodated along the building's facade facing Snelling or Larpenteur Avenues, not along the building's facade facing the adjacent residential neighborhood~~

~~_____ (v) security personnel as deemed necessary at the time of application for a permit and at the annual review of the permit~~

| ~~_____ n. m.~~ Satellite communications dishes as an accessory use.

| ~~_____ o. n.~~ Second hand goods store, as defined in the zoning code.

| ~~_____ p. o.~~ Veterinary clinics with no boarding of animals on the site and no external runs.

Section 2. This ordinance, passed the 25th day of June, 1997, shall become effective upon publication.

Moved by: _____

Approved by: _____

Mayor
June 25, 1997

Date

GEHRZ _____ In Favor
GIBSON TALBOT
HUSTAD _____ Against
JACOBS
KUETTEL

Attested by: _____

City Clerk
June 25, 1997

Date