

City of Falcon Heights

PLANNING COMMISSION AGENDA

October 21, 1997

7 p.m.

- A. ROLL CALL: Tom Brace ___ Wayne Groff ___ Paul Kuettel ___
Irene Struck ___ Ken Salzberg ___ Wendy Treadwell ___
Sue Gehrz ___
- B. CALL TO ORDER
- C. APPROVAL OF MINUTES: September 16, 1997
- D. CITY COUNCIL MINUTES: September 10, 1997
- E. REQUESTS FOR ACTION:
 - 1. Request for variances in sections 9-4.01 subd. 5 (a) and 9-13.04 subd. 5 (h) of the zoning code to construct a parking space at 1588 Vincent Street.
 - 2. Request for a conditional use permit for the operation of a school at 1781 N. Prior Avenue in a B-2 zone and a request for a variance in section 9-13.05 subd. 6 of the zoning code to permit unloading on a public street.
- F. STAFF UPDATES
- G. ADJOURN

PLANNING COMMISSION
MINUTES
September 16, 1997

PRESENT: Tom Brace
Wayne Groff
Paul Kuettel
Irene Struck
Ken Salzberg
Wendy Treadwell

ALSO PRESENT: Sue Gehrz, Mayor/Liaison
Sue Hoyt, City Administrator
Roger Knutson, City Attorney

ABSENT: Alex Hanschen

Chair Brace called the meeting to order at 7:04 P.M.

Commissioner Kuettel moved approval of the August 16, 1997 minutes.
Commissioner Treadwell seconded the motion. The minutes were approved unanimously.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 9-15.05 OF THE ZONING CODE RELATED TO THE PROCESS FOR AMENDMENTS TO THE ZONING CODE

Chair Brace explained that the commission was holding a public hearing on a proposed ordinance amending the process for amending the city's zoning code that were addressed by the commission at the August 18, 1997 meeting. Administrator Hoyt and Attorney Knutson reported on the proposed ordinance. Chair Brace opened the public hearing at 7:11 p.m. and closed it at 7:12 p.m. since no one was present for the hearing. After some discussion, Commissioner Salzberg moved to approve the ordinance. Seconded by Commissioner Struck. The commission unanimously approved the proposed ordinance.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO CHAPTER 9-1.02 AND 9-2.07 OF THE ZONING CODE RELATED TO TELECOMMUNICATIONS TOWERS AND ANTENNAS

Chair Brace explained that the commission was holding a public hearing on a proposed ordinance amending the zoning code regarding telecommunication

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antennas and towers that the commission reviewed at its August 18, 1997 meeting. Administrator Hoyt reviewed the proposed ordinance including possible locations for commercial telecommunication antennas and towers in the city.

Attorney Knutson explained the importance of having a good ordinance on these uses. Chair Brace opened the public hearing at 7:25 p.m. and closed it at 7:26 p.m. since no one appeared to speak. After some discussion, Commissioner Groff moved approval of the ordinance. Seconded by Commissioner Salzberg. The commission unanimously approved the ordinance.

The commission discussed changing the meeting date to a different Tuesday. Administrator Hoyt will pursue this possibility.

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Susan Hoyt
Acting Recording Secretary

**CITY OF FALCON HEIGHTS
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 10, 1997**

349

Mayor Gehrz convened the meeting at 7:08 p.m.

PRESENT

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

ABSENT

Gibson Talbot.

COMMUNITY FORUM

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

MINUTES OF AUGUST 27, 1997

Minutes were approved by unanimous consent.

CONSENT AGENDA APPROVED

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

1. Disbursements
2. Licenses
3. Planning Commission appointment and resignation
4. Approval of request to proceed with the purchase of a new tractor
5. Approval of agreement for legal services
6. Approval of the 1998 Lauderdale fire contract
7. Acceptance of Metropolitan Council grant for comprehensive planning
8. Approval of payment #1 to Jay Brothers

POLICY AGENDA

**PRESENTATION AND PROPOSED AGREEMENT WITH NORTHWEST YOUTH AND
FAMILY SERVICES**

Kay Andrews of Northwest Youth and Family Services (NWYS) reviewed proposed revisions to the city's joint powers agreement with the organization. The revisions were made to reflect changes to NWYS' organizational structure. It also proposed a new funding formula which would request funding from cities on a per-resident basis. The city council agreed to have the agreement reviewed by the city attorney, and to take action by November 1, 1997.

REPORT ON THE PLANS FOR GIBBS FARM

Bob Olsen, representing the Ramsey County Historical Society, gave a brief presentation regarding long-range plans for the Gibbs Farm site. The plans include, among other things, a trail and interpretive center. The council agreed to have Mayor Gehrz send a letter to the Historical Society indicating the council's support for the proposed plans.

REQUEST TO APPROVE RESOLUTION 97-35, APPROVING RAMSEY COUNTY'S FINAL PLANS FOR THE 1998 RECONSTRUCTION OF LARPEN TEUR AVENUE

Dan Soler, Ramsey County Project Engineer, reviewed the final 1998 Larpenteur Avenue plans with the city council.

Motion was made by Councilmember Jacobs to approve Resolution 97-35, approving Ramsey County's final plans for the 1998 reconstruction of Larpenteur Avenue. Motion passed unanimously.

REVIEW AND APPROVAL OF THE COST PARTICIPATION AGREEMENT FOR THE 1998 RECONSTRUCTION OF LARPEN TEUR AVENUE

Dan Soler reviewed the various funding sources for the 1998 reconstruction of Larpenteur Avenue. Falcon Heights' share of the project costs are \$182,332.15, of which \$28,427.35 is reimbursed by Municipal State Aid funds. The entire project cost is \$3,544,626.00.

Motion was made by Councilmember Hustad to approve the cost participation agreement for the 1998 reconstruction of Larpenteur Avenue. Motion passed unanimously.

REVIEW AND APPROVAL OF AGREEMENTS FOR MAINTENANCE OF TRAFFIC CONTROL SIGNALS AT THE FAIRVIEW/LARPEN TEUR AND GORTNER/LARPEN TEUR INTERSECTIONS

Dan Soler explained that the proposed agreements require the city to maintain the Emergency Vehicle Preemption devices at the Fairview/Larpenteur and Gortner/Larpenteur intersections. The county maintains the facility and the city pays the power costs because the signals are at the intersections of a city road.

The council briefly discussed whether it would be appropriate for the University of Minnesota and/or Hewlett Packard to share in the cost of the contract as their private roads are part of each of the intersections. Soler indicated that the county requires that the maintenance agreement be signed with the city. The city is free to decide on its own if it requires payment from property owners.

Motion was made by Councilmember Hustad to approve the agreements for maintenance of the traffic control signals at Fairview/Larpenteur and Gortner/Larpenteur intersections. Motion passed unanimously.

LARPENTEUR AVENUE STREETScape ELEMENTS

Michael Schroeder and Todd Halunen of Hoisington Koegler gave updates on the status of the streetscape project. Schroeder presented a new design for the picnic shelter pavilion at city hall. He will get cost estimates on the design for later council consideration.

Motion was made by Councilmember Hustad to approve change order #1 with Killmer Electric, for an electrical service re-feeds at Dino's Gyros (5,098.00) and Amoco (\$5,635.00) and for furnishing and installing lighting and power connections for the city signs (\$15,445.00). Motion passed unanimously.

Motion was made by Councilmember Hustad to authorize up to \$11,000 for concrete removal and replacement and lighting changes at the front of city hall. Motion passed unanimously.

REQUEST TO APPROVE RESOLUTION 97-36, CERTIFYING THE BUDGET AND LEVY TO THE RAMSEY COUNTY AUDITOR

Motion was made by Councilmember Kuettel to approve Resolution 97-36, certifying the proposed general fund budget of \$1,205,981 and a certified levy of \$589,410 to the Ramsey County Auditor. Motion passed unanimously.

ESTABLISHING PUBLIC HEARING DATES ON THE CITY'S BUDGET AND PROPERTY TAX LEVY

The public hearing date for the 1998 budget and property tax levy hearing was set for December 3, 1997. If a continuation hearing is necessary, it will be held on December 17, 1997.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.



Susan L. Gehrz, Mayor



Carla Asleson
Recording Secretary

ITEM: Request for two variances in sections 9-4.01 subd. 5 (d) and 9-13.04 subd. 5 (h) of the zoning code to construct a parking space at 1588 Vincent Street

SUBMITTED BY: Philip and Kathleen Sellew, Property Owners
in consultation with David Ruoho, Architect

REVIEWED BY: Susan Hoyt, City Administrator
Carla Asleson, Administrative Assistant/Planner

Summary and action requested.

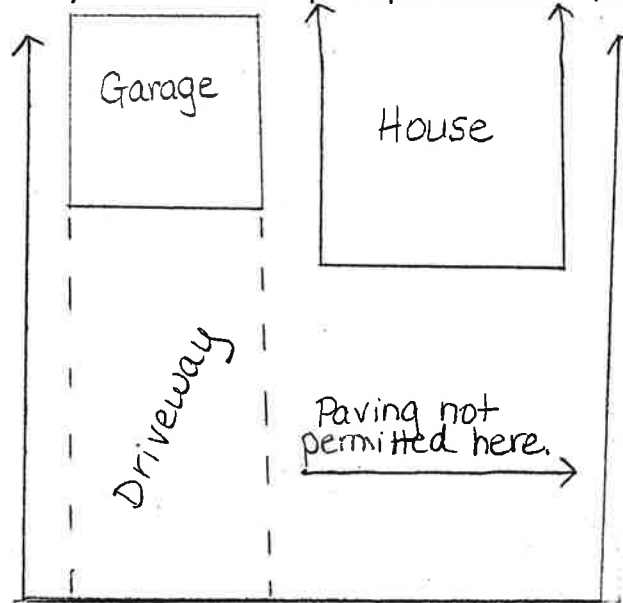
- The commission is being asked to consider two variances from the zoning code to permit the applicant to add a parking space to their existing single car driveway and garage at 1588 Vincent Street in the Grove neighborhood. The additional parking space will accommodate one vehicle. The proposed parking space is accompanied by re-landscaping the front yard.
- The first variance is required to construct the parking space in front of the principal residence rather in front of or adjacent to the attached garage. In other words, the parking space will be in the front yard of the house itself not in front of the attached garage.
- To maintain consistency with the rest of the neighborhood and to minimize the encroachment into the front yard in front of the principal residence, the preferred alternative would be to locate the parking space to the north of the existing driveway. However, the limited property makes this impossible without paving up to the north property line and using the neighbor's yard for entering and exiting the vehicle when it is parked there.
- The second variance is required so that the driveway can be one foot wider than the width permitted in the zoning code. The additional width will accommodate the opening and closing of the passenger doors in a vehicle parked on the proposed parking space. The movement of the passenger side doors will be constrained by their close proximity to a two foot high retaining wall to be constructed as part of this project.

A. The property owners' proposal.

The applicants want to add a ten (10) foot wide by twenty (20) foot long parking space on their property adjacent to the existing nine (9) foot wide by thirty-two (32) foot long driveway that serves a single car garage (attachment 1). To accomplish this plan, two variances are required.

B. Requested variances.

1. The first variance of ten (10) feet is required to section 9-4.01 subd. 5 (d) of the zoning code to permit the proposed parking space to extend ten (10) feet into the front yard area that is directly in front of the principal residence (house).



*Illustration
of
code req'mts
9-4.01
subd. 5(d)*

2. The second variance of one (1) foot is required to section 9-13.04 subd. 5 (h) of the zoning code to permit the combined driveway width for the old driveway (9) feet and the new section of driveway (10) feet to be nineteen (19) feet rather than the required eighteen (18) feet.
3. The two variances can be treated independently. However, if the first variance that deals with the location of the parking space is denied or substantially revised by the commission; the second variance may be unnecessary.

C. Request for a variance of 10 feet from section 9-4.01 subd. 5 (d) of the zoning code related to permitting the proposed parking space to extend into the front yard in front of the principal residence (home).

Purpose of the zoning code. Section 9-4.01 subd. 5 (d) of the zoning code is designed to minimize the paved surface for parking vehicles directly in front of homes (not in front of garages) because parked cars on front lawn areas can visually detract from the open and landscaped front yards along a property or a city block. In some unusual situations, several parked vehicles in front of a home might block access to a dwelling.

There are some examples of parking pads in front of principal residences in city neighborhoods. These paved areas are most frequently found along busier streets, or along very long driveways on the west side of Snelling Drive, where the parking pads are used to accommodate vehicle turn-arounds on the site. These paved areas in front of residences have not received permits or variances for this purpose during the last several years. Many parking pads may have preceded the zoning code or have been constructed without a building permit.

Property owners' original proposal. The property owner initially proposed placing the parking pad to the north of the existing driveway away from the principal residence. This proposal is consistent with how most other parking pads are constructed in the neighborhood. However, the unusually hilly topography of this site and the limited area to the north of the driveway eliminated this alternative because the parking pad would need to be paved up to the northern property line. If paved, this configuration would also require exiting and entering the vehicle from the neighbor's landscaped yard, which is not a workable situation in the long run. This option also required a variance in the sideyard setback for the proposed parking pad.

Property owners' current proposal. Due to the unique, hilly topography on the site, the property owner hired an architect to determine an alternative location for a parking pad. After reviewing the options, the architect proposed the parking pad ten (10) feet wide by twenty (20) feet long adjacent to the existing driveway toward the front property line.

Comments from neighbors. The city notified the two abutting property owners as well as the two property owners across Vincent Street who may see the proposed parking space more from their property than the abutting property owners see it.

Kay Blair, property owner of 1582 Vincent Street, wrote a letter in opposition to this variance and the variance for driveway width, which is described later in this report. The Blair property is to the south of the Sellew property. She writes: "I would approve a needed, modest widening of the driveway...but I am very concerned about the effect a concrete parking pad would have on the entire neighborhood. The planner who suggested the parking area did not consider the unfortunate visual impact, the neighborhood architectural tradition, or the possible future failure of maintenance of screening plantings. The view from my house would be impaired for me and subsequent owners. I also fear it would set a precedent for parking pads next to sidewalks."

Analysis. The city code permits four off-street parking spaces and the city attempts to accommodate this off-street parking when it can be handled on a site. Frequently, a long driveway adds parking area on an otherwise narrow lot. In addition, and perhaps more importantly, there are many driveways in the Grove neighborhood which provide for an additional parking space adjacent to a narrow driveway similar to the narrow driveway at 1588 Vincent. Although the owner's original proposal is more desirable because it would reduce intrusions into front yard of the principal residence on the property, it was not feasible given the constraints on the site. There appears to be no more reasonable option on the site for providing an additional parking space.

Staff recommendation. Given that adding a parking space is consistent with parking in this neighborhood and given the unique topography of the site, the staff recommends approval of this variance of ten (10) feet from section 9-4.01 subd. 5 (d) of the zoning code.

- D. Request for a variance of one (1) foot in section 9-13.04 subd. 5 (h) of the zoning code permitting the driveway width to be nineteen (19) feet rather than eighteen (18) feet.**

Purpose of the zoning code. The zoning controls the width of a driveway based upon lot width to assure that there remains unpaved landscaped area in all front yards.

Property owners' proposal. In order to fit the proposed parking space onto the site, the property must be re-landscaped and a two foot high retaining wall built along the eastern and southern edge of the proposed parking space. The southern location of the retaining wall will restrict the opening and closing of the passenger doors on a vehicle parked on the proposed parking space. (A typical two door, mid-sized vehicle requires four feet of clearance to open and close a door freely.) The additional one foot of width will provide enough width for a car parked in this space to open and close its doors as well as provide room along the adjacent existing driveway for a car to access the garage or park on the existing driveway (attachment 2).

Comments from neighbors. Notices were sent as described earlier in Section C of this report. The comment received from the neighboring property owner regarding the variance is also noted in Section C.

Analysis. Driveways in the Grove, with and without parking pads, vary in width from eight (8) feet for a single car driveway to twenty (20) feet. Although a nineteen (19) foot driveway isn't common, it is not out of character here or elsewhere in the city. The additional foot of driveway width is helpful because of the location of the parking space adjacent to the retaining wall.

Staff recommendation. If the prior variance is granted, staff recommends granting the variance of one (1) foot in driveway width to better accommodate the use of the passenger doors when vehicles are parked on the planned parking space.

ATTACHMENTS

- 1 Site plan for 1588 Vincent Street
- 2 Site plan for 1588 Vincent Street with vehicles
- 3 Related sections of zoning code
- 4 Planning Commission Resolution 97-05 approving the granting of variances

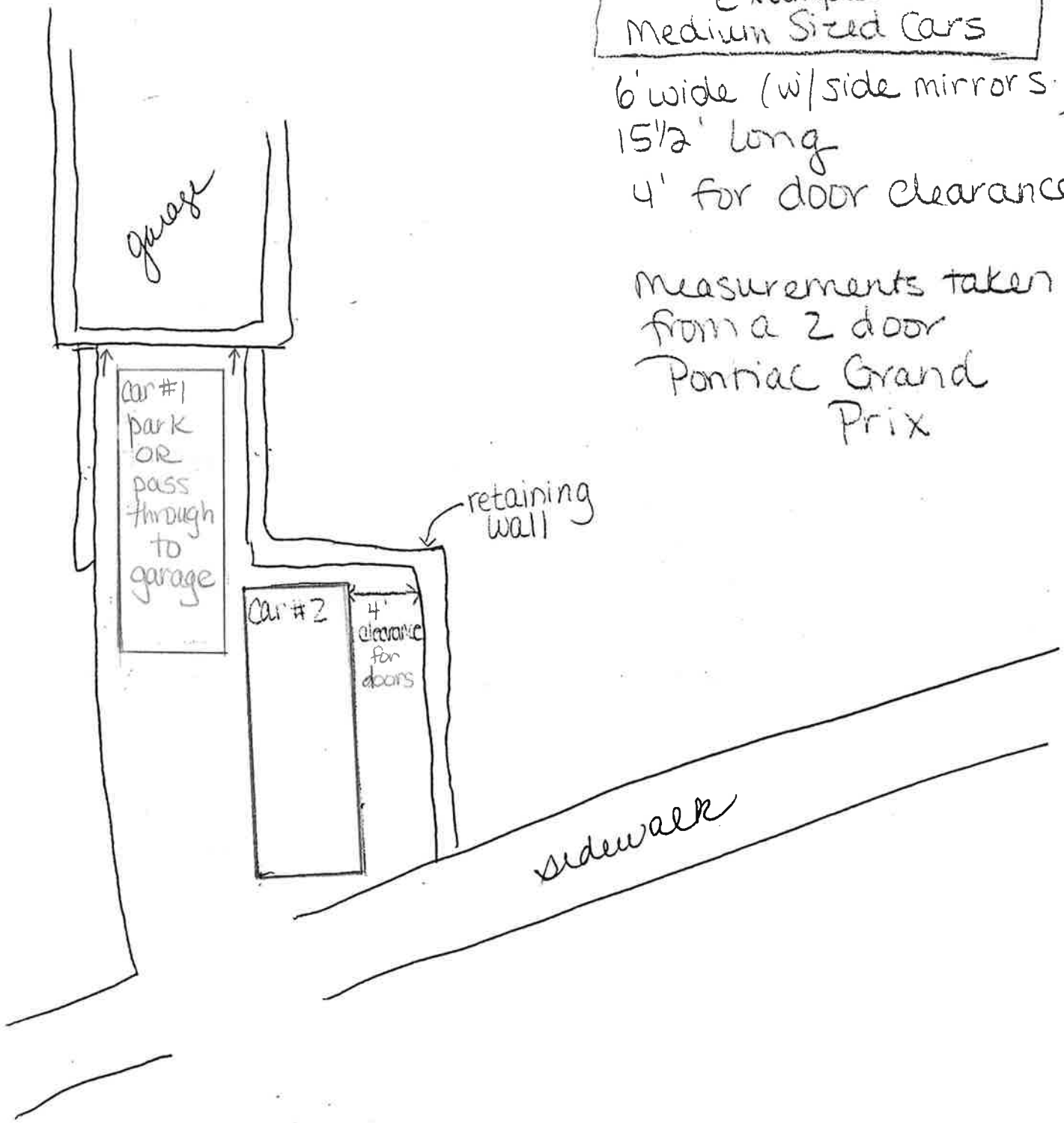
ACTION REQUESTED

1. Staff report (summary by Carla Asleson)
2. Questions of staff from commissioners
3. Questions and comments from the public
4. Discussion
5. Approve Planning Commission Resolution 97-05

Example:
Medium Sized Cars

6' wide (w/ side mirrors)
15 1/2' long
4' for door clearance

Measurements taken
from a 2 door
Pontiac Grand
Prix



Variance #1
9-4.01 Subd.
5(d)

d. Parking shall be permitted on hard surfaced areas designed for that purpose and for providing access to garage, carport or open parking area and provided that no driveway or off-street open parking area shall be located closer than five (5) feet from the property line on that side. The five (5) feet of property known as the side yard shall be landscaped as shall the remainder of the front yard applying to the residential portion of the house and continuing to the far lot line removed from the access and/or parking driveway. Parking shall not be permitted in any part of landscaped yards, boulevards, grass portion of street right-of-way or other such areas (except as allowed for boats and unoccupied trailers under "exterior storage" provision of this code). And provided further that from November 15 to April 1, the unsurfaced portion of the front yard of any property in a residential district may be used for parking one passenger vehicle registered in the name of a resident, if there is a single driveway, and the vehicle is parked parallel to the driveway and on one uniform side of the driveway, and the width of the parking area does not exceed eight feet. For purposes of this Code a "passenger vehicle" shall mean a two or four-door sedan or van used primarily for transporting passengers, and shall not include pickups, trucks, campers, recreational vehicles or buses.

Variance #2
9-13.04 Subd.
5(h)

h. Lot Coverage. In residential districts, no more than thirty two percent (32%) of the required front yard area shall be surfaced or utilized for driveway or vehicle storage space, but in no case shall a driveway in a required front yard exceed 24 feet in width as measured at the property line.

DRIVEWAY WIDTHS

<u>Lot Width</u>	<u>Driveway Width</u>	32% Standard (Examples with 30' length)
50'	16'	
60'	19'	
64'	20.2'	
70'	22.4'	
80'	Maximum 24'	
100'	Maximum 24'	

↳ Note: 1588 Vincent has a 32' long driveway and thus an 18' maximum width.

(Amended 6/19/91, Ordinance O-91-10)

No. 97-05

Date: 10/21/97

CITY OF FALCON HEIGHTS

PLANNING COMMISSION RESOLUTION

RESOLUTION RECOMMENDING APPROVAL OF VARIANCES FOR 1588 VINCENT STREET

On October 21, 1997, the Falcon Heights planning commission recommended approval of the following variances for 1588 Vincent Street, legally known as Lot 5, Block 4, Auditor's Subdivision No. 71, St. Paul, Minn.

Chapter 9-4.01 subd. 5 (d), which requires landscaping in the front yard

A variance to permit a 10' wide by 20' deep paved parking space in the front yard, attached to the existing driveway.

Chapter 9-13.04 subd. 5 (h), which establishes a maximum driveway width of eighteen (18) feet for this property

A variance to allow a driveway width of nineteen (19) feet.

The planning commission adopted the following findings for recommending the granting of the variance at 1588 Vincent Street:

- 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.

ITEM: Request for a conditional use permit for the operation of a school at 1781 North Prior Avenue in a B-2 zone and a request for a variance in section 9-13.05 subd. 6 of the zoning code permitting unloading on a public street

SUBMITTED BY: Mr. Rashid Kahn property owner
Barb Boelter, President of Board of Directors, Metro Deaf School (tenant)
in consultation with Paul May, architect

REVIEWED BY: Susan Hoyt, City Administrator
Carla Asleson, Administrative Assistant/Planner
Phil Carlson, Planner, Dahlgren, Shardlow and Uban
Roger Knutson, City Attorney

EXPLANATION/DESCRIPTION:

Summary and action requested.

The commission is being asked to consider granting a conditional use permit for the operation of a charter school at 1781 North Prior Avenue. A request for a variance to permit loading and unloading on 260 feet at the north end of Prior Avenue in front of the school is part of this request. The school serves forty deaf children in grades kindergarten through eighth grade who come from several communities in and outside the metropolitan area. The school anticipates a maximum of eighteen faculty members and staff in the future. The school is currently located in downtown St. Paul.

Background.

Conditional use permits. The zoning code allows academies as a conditional use in the B-2 (business) zone (attachment 1). The planning commission and city council are required to approve a conditional use permit if the applicant demonstrates that he or she can comply with reasonable conditions governing the use. Typically, conditions associated with a conditional use permit are specifically related to how the site is designed and used. A conditional use permit is granted to the property owner not to the proprietor or tenant who operates the business or use. If the property owner does not comply with the conditions in the permit, the property owner is subject to the penalties with the most extreme situation being the revocation of a conditional use permit for noncompliance.

A conditional use permit does not cover local and state requirements associated with a particular use. For example, meeting certain health and safety requirements for a restaurant use or, in this situation, conforming to the state's education requirements. The city has no jurisdiction over these specific requirements.

School locations in the city. There is one school in Falcon Heights, the public elementary school at 1393 Garden Avenue. This school is located in a residential zone with single family dwellings abutting the school grounds.

Children within a few blocks of the elementary school walk to and from school.

Property history. 1781 North Prior Avenue was built as part of a planned six building office complex in 1985. However, only two of the buildings were constructed as planned, which left several acres vacant. After laying vacant for several years, the remaining property was developed into the Maple Court townhomes. The development of the Maple Court townhomes eliminated some of the planned parking and access for this office unit complex. (It was originally a through drive from Prior to what is now Maple Court.) The site has been used for a variety of office space uses since it was developed in the mid-1980's. It has not been fully occupied at all times.

Specific site issues. The request for a conditional use permit at 1781 North Prior Avenue posed three site related issues: 1) loading and unloading students, 2) assuring sufficient parking for future faculty, staff, visitors and special events and 3) designating play areas.

Explanation of the proposed conditions. (attachments 2, 3, 4, 5 and 6)

1. Loading and unloading of students at the start and end of the school day.

The school children will arrive from several communities both in and out of the metropolitan area by van, mini-bus and car. Because children come from a wide geographic area, there are approximately eleven (11) vehicles that bring the 40 children to school and take them home each day.

- a. On-site loading. The existing parking area does not provide a convenient loading and unloading area for students at the beginning and end of the school day. Therefore, the granting of the conditional use permit is contingent on reconfiguring and signing the parking on the site to accommodate a designated, on-site loading area for one hour at the start of the school day and one hour at the end of the school day. This loading area is planned for the west side of the building. The proposed loading area will take up seven (7) of the total 26 parking spaces during the one hour portion at the beginning and at

the end of the school day only. The loading area will accommodate about four vehicles at a time. However, it will not accommodate anything larger than a 20 foot long van. Additional sidewalk will be poured to make access for pedestrians going between the loading area and the school.

b. On-street loading - a variance from section 9-13.05 subd. 6 of the zoning code for loading on a public street. (Attachment 6)The creation of a loading area on the site will help loading and unloading children from vans or smaller vehicles. Although the school might be able to function with loading and unloading students on-site with the proposed modifications to the parking area, there may occasionally be larger vehicles that cannot be accommodated on-site. Or more likely, there may be vehicles arriving at the same time during the morning start and afternoon end of the school day. This would create an area for waiting vehicles on Prior Avenue in the cul-de-sac area.

In order to provide some loading flexibility, the property owner is requesting a variance to permit loading and unloading on the west and north sides of the cul-de-sac on Prior Avenue. The reason that loading and unloading from the street is ordinarily prohibited is to prevent through streets from becoming blocked with vehicles and to prevent children from crossing busy streets. This property is unique in that it is located on a dead end cul-de-sac with little or no traffic. The curb on the public street where students would unload is directly adjacent to the school site and would require only a short walk to the building. The faculty would supervise this area. This walk from the curb to the school would provide closer access to the school for these students than for students who walk a few blocks to the public school in the city.

City fire officials found that using the area for loading and unloading at the start and end of the school day would not create public safety issues.

The possible hardships posed on the property for granting the variance to this section of the code is the limited access to and from the site since the overall access to the entire area was changed after the original proposal was unsuccessful as well as the unique site configuration at the end of a dead end cul-de-sac.

The proposed conditions for granting the variance for loading and unloading on a public street include requiring that the driver stay in the vehicle while loading and unloading and that the area be signed 'no parking/loading zone'.

2. **Parking.**

a. **On-street.** There is no on-street parking on Prior Avenue due to its commercial nature and its use as a turn around for fire trucks. The proposed conditional use permit does not change the 'no parking' status on the street.

b. **On-site.** There are 26 parking spaces available on the site. The current available parking on site meet's the school's parking needs at this time. During the start and end of the school day, there will be 18 regular parking spaces and one handicapped space available because the designated loading area will use up 7 of the 26 parking spaces. The parking spaces are ample to meet the anticipated faculty, staff and volunteer needs at this time. The school anticipates a maximum of 18 faculty and staff into the foreseeable future. However, the proposed conditional use permit addresses parking beyond the anticipated 18 individuals if there is an increase in the number of faculty and staff or if students become old enough that some drive. If this number goes beyond 18, the property owner is required to submit a parking plan for approval to the city administrator. It might include:

1) Adding two parking spaces on the west end of the current parking lot. These spaces are already permitted in the zoning code and would typically not require any special review by the city. However, the conditional use permit requires a review of any parking changes to make sure that, if developed, the two spaces will meet the landscaping requirements in the code.

2) Developing a shared parking arrangement with a neighboring property owner for some longer term parking for faculty and staff such as at Hewlett Packard or the city hall lot (attachment 3) or develop a rideshare plan.

b. **Special event parking.** Due to the geographic distance between children's families and the school, the school does not host many large events. However, if the school plans an event that requires more than 26 parking spaces, the property owner is asked to demonstrate that there are parking arrangements for the event on an on-going or an event by event basis. At this time, Hewlett Packard has stated its willingness to provide parking (attachment 7). City Hall might also be available.

3. **Designated play area.**

a. **Developed play area.** The school has no immediate plans to build a permanent play area on the property. Although the site plan designates a play area to the northeast side of the parking lot for future development, the precise location and specifics are not developed at this time. This play area is located to the northeast side of the building away from the Maple Court Townhome complex. It is setback more than the required feet from the residential zones of Maple Court townhomes and Falcon Woods homes. The conditional use permit requires that any playground plan be reviewed and approved by the city administrator prior to its development. This proposed condition will be used to confirm that the playground functions well with the surrounding land uses.

b. **Non-developed play area.** The site plan designates a secondary play area in rear yard of the westside of the building. Permanent play equipment is an accessory use and it cannot be erected within the 30 foot setback from a residential zone . This area is planned for open play space from time to time. This area is directly adjacent to the Maple Court Townhomes with a setback of 30 feet from the building's property line to the nearest Maple Court Townhome patio. Given the proximity of this area to the Maple Court Townhomes, the proposed conditional use permit limits the school to six children in the play area at one time and play would be limited to between 9 a.m. and 4 p.m. The logic behind limiting the number to six is that this is the number of children that a typical residential day care center might have in a back yard.

The conditional use permit prohibits the construction of permanent equipment or fencing in this area in the future. If the property owner feels a buffer between the school property and the townhomes is desirable in the future, a landscaped buffer would be the preferred alternative between the properties given the short distances between the structures on each of them.

A more restrictive alternative for this non-developed play area is to restrict this area for open space and informal use by the school by stating that the rear yard on the westside of the building may not be used for on-going designated school play time or organized school play activities but shall be remain as open space for passive or occasional classroom or school use. (e.g. an outdoor class, an occasional picnic, etc.) If a more restrictive condition is imposed on this space, it is important to carefully define what the expectation of

use is so that all parties understand what is permitted and what is not permitted.

C. Off-site student recreation. The school has made arrangements with Hewlett-Packard to use green space on their property for outdoor activities such as kickball or soccer. They are discussing possible recreation opportunities at the Fairview Community Center, and plan to use the public park at Cleveland and Roselawn when the weather and school schedule permits. Students and faculty would be transported to the park in vehicles or follow the public pathways and streets to the park through the Falcon Woods neighborhood. The public pathway begins at the north end of Prior Avenue.

4. Additional comments .

- a. The proposed conditions along with all other applicable codes must be met prior to the occupancy of the building by the school.
- b. No conditions related to the hours that the school will be operating are included because the staff did not believe the city had a need to restrict the school more than the city would restrict a commercial use in the same building.
- c. No conditions related to the age of students that the school serves are included because age should not affect the use of the site.

Comments from neighbors. As required by city code and state statute, the city notified property owners within 350 feet of 1781 North Prior Avenue of the proposed conditional use. Calls were received from the following individuals: Dick Walrich, 1749 Maple Court; Lila Storaasli, 1783 Maple Court, Frances Anderson, 1755 Maple Court, and Anita Smith, 1786 Maple Court.

The callers requested information about the type of school proposed, hours of operation, ages of the students, and transportation arrangements. An area of concern for all callers was how the school would handle outdoor recreation given the space constraints of the site.

Staff recommendation. The staff recommends granting the conditional use permit for the school and the variance to section 9-13.05 subd. 6 of the zoning code to allow loading and unloading of students along the cul-de-sac on the northwestern end of Prior Avenue to accommodate this use at 1781 North Prior Avenue.

ATTACHMENTS:

- 1 Permitted and conditional uses in a B-2 zone
- 2 Resolution 97-04, proposed Conditional Use Permit for a school at 1781 North Prior Avenue
- 3 Exhibit 1 of the proposed conditional use permit (site plan)
- 4 Map of the building, Maple Court Townhomes, Prior Avenue the area along Prior Avenue
- 5 Larger area map of Prior Avenue, Hewlett Packard
- 6 Resolution 97-03, proposed variance for loading and unloading vehicles from a public street
- 7 Letter of support from Hewlett-Packard Company

ACTION REQUESTED:

- 1 Staff reports (Susan Hoyt, City Administrator)
- 2 Questions of staff from the commission
- 3 Statement of use from the school
- 4 Questions of the school from the commission
- 5 Open the public hearing and receive public comment
- 6 Close the public hearing
- 7 Discussion
- 8 Act on the request for a variance from section 9-13.05 subd. 6
- 9 Act on the request for a conditional use permit

PART 9. "B-2", LIMITED BUSINESS DISTRICT

9-9.01 "B-2", Limited Business District

Subdivision 1. Purpose and Intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

Subdivision 2. Permitted Uses. No structure or land shall be used except for the following uses:

- a. Financial institutions with hours open to the public from 8 a.m. to 6 p.m. Monday-Friday and 8 a.m. to noon on Saturdays. An automatic teller machine may operate for 24 hours a day.
- b. Medical offices and clinics.
- c. Offices, business and professional.
- d. Publicly owned and operated buildings and uses provided there shall be no unscreened outdoor storage of materials, supplies or equipment or trucks and trailers exceeding a capacity of one and one-half (1 1/2) tons.

Subdivision 3. Conditional Uses. The following uses are permitted subject to the issuance of a conditional use permit (C.U.P.):

- a. Bank drive-in facilities as an accessory use to a financial institution, with hours open to the public identified in the conditional use permit.
- b. Churches.
- c. Colleges and academies.

- d. Child care facilities and nursery schools subject to licensing by the State of Minnesota.
- e. Florist, garden supply and garden wholesale stores.
- f. Funeral homes and mortuaries.
- g. Limited fabricating and processing of a product in conjunction with any permitted use when such products are wholly processed within a building and such use is deemed appropriate and consistent with the character of the district and environs. Where such uses consist of more than one principal building, plans for such development shall be submitted as a planned unit development (P.U.D.).
- h. Historical buildings, museums, art institutes and galleries.
- i. Radio and television broadcasting and cable television studios (SIC 483 and 484) excluding external antenna systems.
- j. Research centers and laboratories excluding medical waste processing facilities.
- k. Schools or studios for dance, music, art, photography or interior design.
- l. Veterinary clinics with no animal boarding.

Subdivision 4. Permitted Accessory Uses. Any accessory use permitted in Chapter 9, Section 8.01.

Subdivision 5. Other requirements. All uses shall in addition to all other requirements comply with the following standards:

- a. No bars on doors or windows during business hours.
- b. No automatic interior or exterior security lock doors or doors that require requesting entry or exit during business hours.
- c. No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- d. No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.

CITY OF FALCON HEIGHTS

PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR OPERATION OF A SCHOOL AT 1781 N. PRIOR AVENUE IN A B-2 ZONE

WHEREAS, the City of Falcon Heights has received an application from Factual Data, Inc. For the issuance of a conditional use permit to operate a school at 1781 N. Prior Avenue; and

WHEREAS, the legal description for this property is: Lot 1, Block 1, Stratford Professional Office Park, subject to easements; and

WHEREAS, the planning commission did carefully consider this request after holding the required public hearing.

NOW, THEREFORE, BE IT RESOLVED that the planning commission of the City of Falcon Heights recommend approval of the requested conditional use permit, subject to the following conditions:

A. Loading and unloading of passengers

1. On-site loading and unloading areas for passengers will occupy seven (7) parking spaces as designated in Exhibit 1.

2. The seven (7) parking spaces designated as a loading area in Exhibit 1 shall be reserved only for loading and unloading, and not used for parking, during the following times later referred to as 'loading times' in this conditional use permit.

a. one-half (1/2) hour before and one-half (1/2) hour after the start of the regular school day as established by the school

b. one-half (1/2) hour before and one-half (1/2) hour after the end of the regular school day as established by the school

3. The seven (7) parking spaces shall be signed to indicate that these spaces are 'no parking, loading areas' during the loading times.

4. Vehicles twenty (20) feet or less in length may use the loading area as designated in Exhibit 1.

5. A variance to section 9-13.05 subd. 6 of the city code at 1781 North Prior Avenue permits loading and unloading of passengers in the area designated in Exhibit 1. The conditions governing this variance require that the designated loading and unloading area on Prior Avenue be posted 'no parking, loading zone' and that vehicles unloading passengers in the designated area on Prior Avenue must be occupied by a driver.

6. A five (5) foot concrete, handicapped accessible sidewalk will be constructed on the property as designated in Exhibit 1 to provide safe loading and unloading of passengers.

B. Parking

1. During loading times there will be eighteen (18) parking spaces available for parking as designated in Exhibit 1.

2. During non-loading times there will be twenty-six (26) parking spaces as designated in Exhibit 1.

3. The number of faculty, staff and driving students are limited to eighteen (18) in order to assure adequate parking for regular school employees and students.

a. If this number exceeds eighteen (18), a parking plan demonstrating how parking will be provided for the additional individuals must be approved by the city administrator. The parking plan may:

1) provide for the construction of two additional parking spaces as designated in Exhibit 1. These parking spaces must conform with all city codes at the time of the plan, including landscaping. A certificate of survey identifying the applicable property lines must accompany this plan.

2) include a parking arrangement using car pooling or agreements for shared parking with neighboring properties that demonstrates that no more than eighteen (18) on-site

parking spaces will be needed during the loading times and that no more than twenty-six (26) spaces will be needed during non-loading times.

4. Special event parking that requires more than the twenty-six (26) parking spaces designated in Exhibit 1 shall require a parking arrangement with a neighboring property owner. The estimate of additional parking required for any special event shall be based upon a minimum of one additional parking space for every three persons attending the special event unless persons are attending the event in buses or vans. This plan must be submitted to the city on a per event or on an on-going basis.

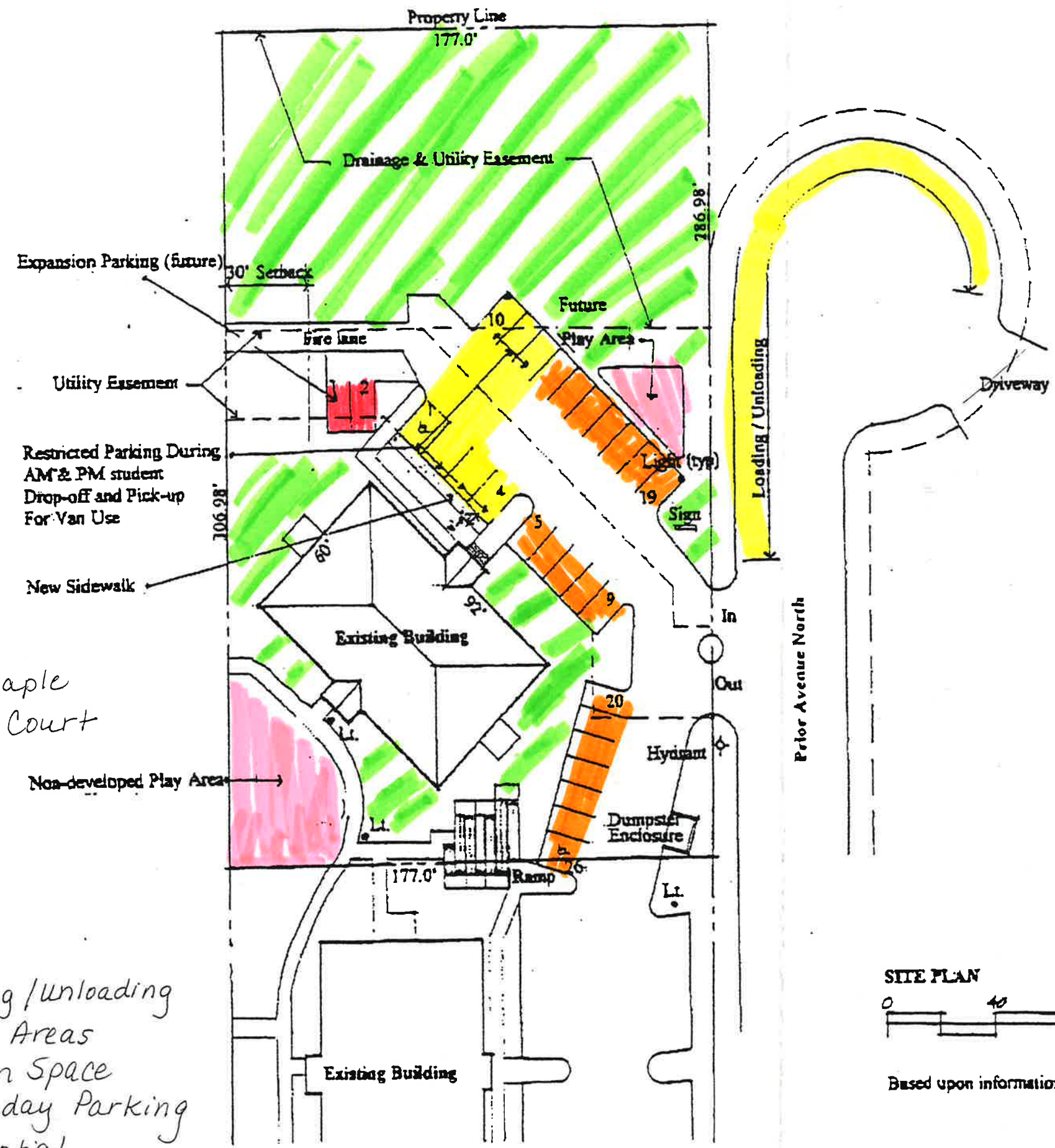
C. Play areas

1. Development of the future playground area designated in Exhibit 1 or any other future playground area not designated in Exhibit 1 must be approved by the city administrator.

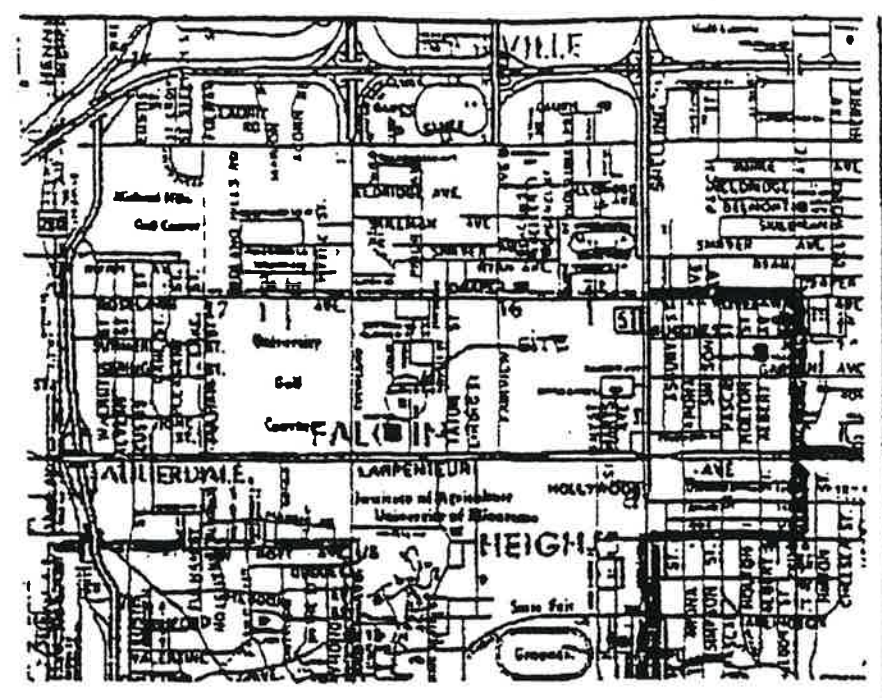
2. The non-developed play area designated in Exhibit 1 must remain open landscaped yard without permanent equipment or fencing. The area may be used by no more than six students for play time or play activities at a time and only between the hours of 9:00 a.m. and 4:00 p.m.

3.

Falcon Woods Neighborhood



- Key**
- Loading / Unloading
 - Play Areas
 - Green Space
 - All-day Parking
 - Potential Parking Available under zoning code

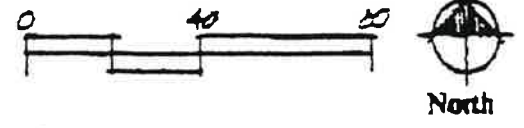


MAP

SITE INFORMATION

Site Area =	52,565.5 GSF
Building Footprint =	5,520 GSF (10.5% of site area)
Building Area =	11,000 GSF
Parking / Bituminous Area :	
Existing =	10,700 GSF (20.3% of site area)
Proposed =	10,700 GSF
Open Space =	36,345 GSF (69% of site area)
Parking Spaces:	
Existing =	27 (includes 2 disabled spaces)
Proposed =	26 (includes 2 disabled spaces)
Future =	2 (future)
	28 total

SITE PLAN



Based upon information from Midwest Land Surveyors, Inc.



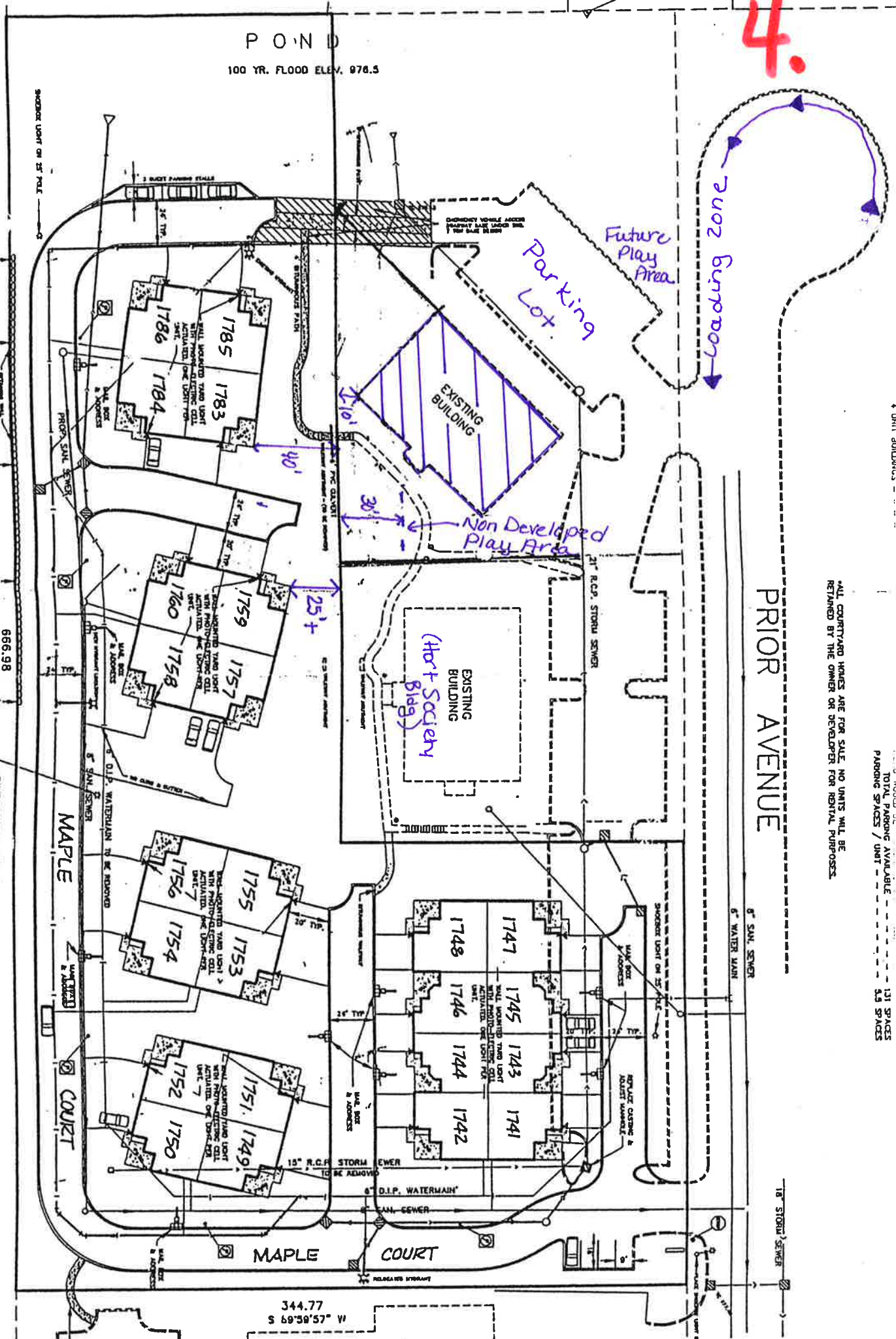
METRO DEAF SCHOOL
 1781 PRIOR AVENUE, NORTH

SITE PLAN

4.

POND

100 YR. FLOOD ELEV. 976.5



*ALL COURTYARD HOMES ARE FOR SALE. NO UNITS WILL BE RETAINED BY THE OWNER OR DEVELOPER FOR RENTAL PURPOSES.

TOTAL PARKING AVAILABLE - 131 SPACES
PARKING SPACES / UNIT - 5.9 SPACES

PRIOR AVENUE

MAPLE

COURT

344.77
S 69°58'57" W

1" = 65' scale
Estimated measurements

CLEVELAND AVE.

5

MOORE S

HOWELL

GARDEN AVE.

Public Pathway

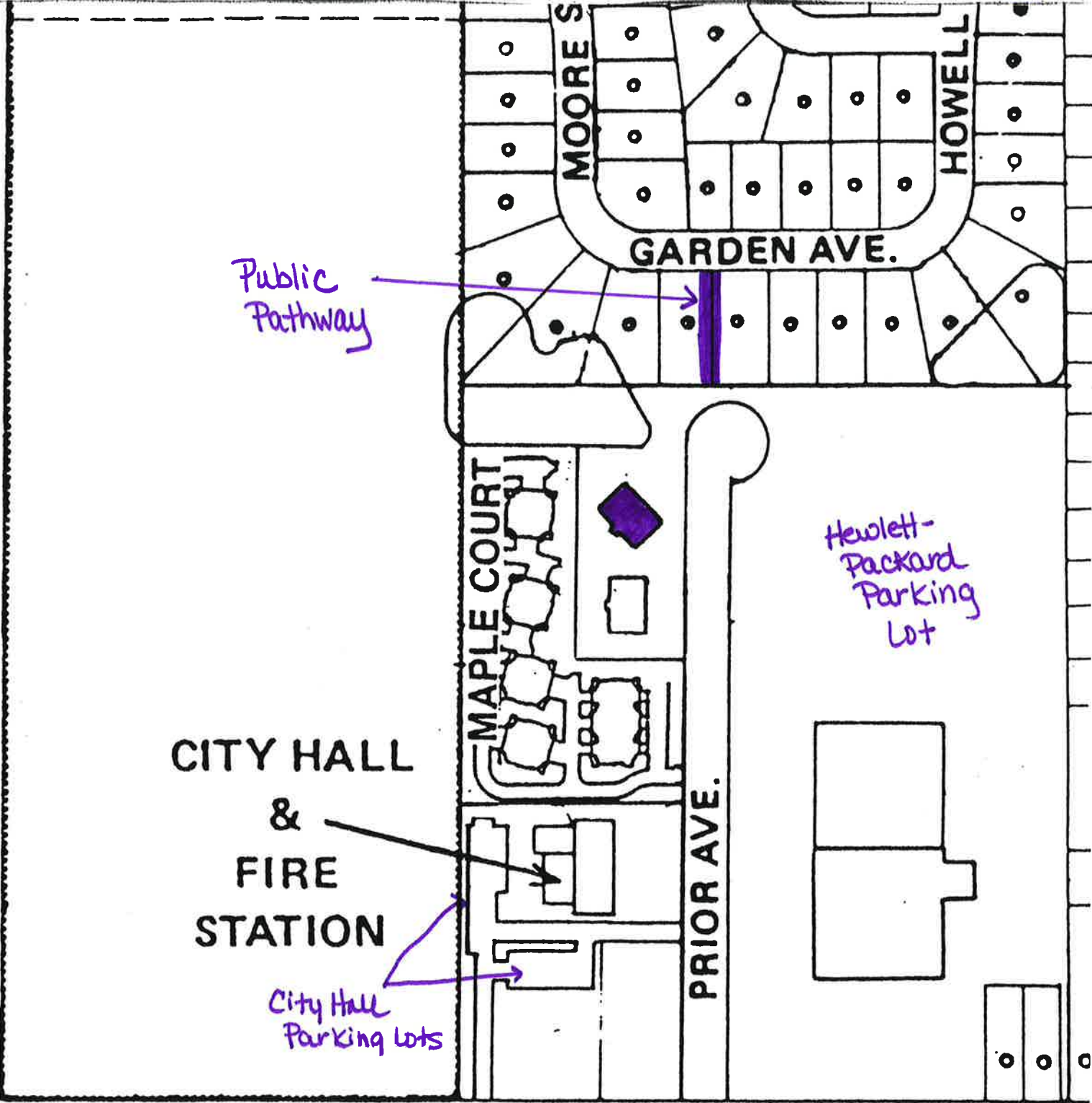
MAPLE COURT

Hewlett-Packard
Parking
Lot

CITY HALL
&
FIRE
STATION

City Hall
Parking lots

PRIOR AVE.



6.

No. 97-03

Date: 10/21/97

CITY OF FALCON HEIGHTS

PLANNING COMMISSION RESOLUTION

RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FOR 1781 N. PRIOR AVENUE

On October 21, 1997, the Falcon Heights planning commission recommended approval of the following variance for 1781 N. Prior Avenue, legally known as Lot 1, Block 1, Stratford Professional Park, subject to easements:

Chapter 9-13.05 subd. 6, which prohibits the loading and unloading of buses from public streets

A variance to allow the loading and unloading of vehicles and buses as identified in Exhibit 1.

The planning commission recommended the variance with the following conditions:

That the property owner install two street signs along the loading area indicating "No Parking, Loading Zone."

That the vehicles loading and unloading passengers in the designated area on Prior Avenue be occupied by a driver.

The planning commission adopted the following findings for recommending the granting of the variance at 1781 N. Prior 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.

Hewlett-Packard Company
2025 West Larpentour Avenue
St. Paul, Minnesota 55113-5598
612/603-2800



7

September 11, 1997

Mrs. Barbara Boelter, President
Board of Directors
Metro Deaf School, ISD #4005
289 E. 5th St., Suite 102
St. Paul, MN 55101

Dear Barbara:

I am pleased to help you in your efforts to relocate your school to Falcon Heights. Hewlett-Packard Company has been a member of the community since 1980 and have thoroughly enjoyed our relationship with the city and its citizens. I'm sure you will experience the same if you move to Falcon Heights.

Hewlett-Packard has a long tradition of support and cooperation with the education community. We look forward to the opportunity to work with your organization to find ways to accommodate current or future parking issues as well as other business/education partnering opportunities.

Best wishes in your efforts.

Sincerely,

Hewlett-Packard Company

A handwritten signature in cursive script that reads "Jerry L. Fagerland".

Jerry L. Fagerland
Facilities Manager

*Distributed @ hearing
Version approved by PC*

Revised

No. 97-04

Date: 10/21/97

CITY OF FALCON HEIGHTS

PLANNING COMMISSION RESOLUTION

A RESOLUTION RECOMMENDING APPROVAL OF A CONDITIONAL USE
PERMIT FOR OPERATION OF A SCHOOL AT 1781 N. PRIOR AVENUE IN A
B-2 ZONE

WHEREAS, the City of Falcon Heights has received an application from Factual Data, Inc. For the issuance of a conditional use permit to operate a school at 1781 N. Prior Avenue; and

WHEREAS, the legal description for this property is: Lot 1, Block 1, Stratford Professional Office Park, subject to easements; and

WHEREAS, the planning commission did carefully consider this request after holding the required public hearing.

NOW, THEREFORE, BE IT RESOLVED that the planning commission of the City of Falcon Heights recommend approval of the requested conditional use permit, subject to the following conditions:

New →

- A. Use of site**
The site is to be used for a charter school for deaf children in Kindergarten through eighth grade.
- B. Loading and unloading of passengers**
1. On-site loading and unloading areas for passengers will occupy seven (7) parking spaces as designated in Exhibit 1.
 2. The seven (7) parking spaces designated as a loading area in Exhibit 1 shall be reserved only for loading and unloading, and not used for parking, during the following times later referred to as "loading times" in this conditional use permit.
 - a. one-half (1/2) hour before and one-half (1/2) hour after the start of the regular school day as established by the school
 - b. one-half (1/2) hour before and one-half (1/2) hour after the end of the regular school day as established by the school

3. The seven (7) parking spaces shall be signed to indicate that these spaces are 'no parking, loading areas' during the loading times.

4. Vehicles twenty (20) feet or less in length may use the loading area as designated in Exhibit 1.

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3. The number of faculty, staff and driving students are limited to eighteen (18) in order to assure adequate parking for regular school employees and students.

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