

City of Falcon Heights

PLANNING COMMISSION AGENDA

June 23, 1998

7 p.m.

- A. ROLL CALL: Tom Brace ___ Wayne Groff ___ Paul Kuettel ___
Toni Middleton ___ Irene Struck ___ Ken Salzberg ___
Wendy Treadwell, Chair ___ Council Liaison Sue Gehrz ___
City Planner Carla Asleson ___
- B. CALL TO ORDER
- C. APPROVAL OF MINUTES: April 21, 1998
- D. REQUESTS FOR ACTION:
1. Public hearing to consider an ordinance amending Chapter 9-2.04 subd. 1 (c) of the zoning code related to rear and interior side yard setbacks.
 2. Request for variance of 4 feet in the required five foot rear yard setback for the construction of a garage at 1457 W. Hoyt Ave., Chapter 9-2.04 subd. 1 (c).
- E. ADJOURN

DRAFT

**MINUTES
CITY OF FALCON HEIGHTS
REGULAR PLANNING COMMISSION MEETING
April 21, 1998**

PRESENT

Ken Salzberg
Wendy Treadwell
Wayne Groff
Irene Struck
Toni Middleton
Tom Brace
Paul Kuettel

ALSO PRESENT

Susan Hoyt, City Administrator
Sue Gehrz, Mayor

CALL TO ORDER

Meeting was called to order at 7:00 p.m. by Chair Treadwell.

**APPROVAL OF NOVEMBER 18, 1997 AND MARCH 17, 1998 PLANNING
COMMISSION MINUTES**

A motion was made by Commissioner Salzberg, seconded by Commissioner Brace, to approve the minutes of the November 18, 1997 and March 17, 1998 planning commission meetings. The motion passed unanimously.

**PRESENTATION AND DISCUSSION ON THE PROPOSED UNIVERSITY OF
MINNESOTA WOMEN'S SOCCER STADIUM**

Administrator Hoyt reported that the University of Minnesota has plans to construct a women's soccer stadium on the southwest corner of Cleveland and Larpenteur Avenues to the south of the Gibbs schoolhouse. The University gave a presentation on this subject to a neighborhood group on April 13, 1998. Hoyt noted that the City of Falcon Heights does not land use authority over University property; the state constitution gives this authority to the University Regents. Although the city cannot approve, deny, or regulate the land use, it can comment on the proposal.

Tom Hoffoss, from the University's Facilities Management department, gave an overview of the development plans. The stadium would be used for eight to eleven women's intercollegiate soccer games per year. The new stadium would seat 1,000 spectators in permanent bleachers, with the possibility of expanding to 1,500 spectator seats in the future. The two story, 8000 square foot facility would have permanent ticketing, press box, team rooms, and restroom facilities instead of the temporary bleachers, portable bathrooms, and portable speakers now brought into the site for game days. A ticket entrance would be located at the northwest corner of the site. The entire field would be enclosed by an eight foot high cyclone fence and a permanent public address system will be installed. There are no plans to light

the field or to rent the facility to outside groups. Parking would be accommodated in nearby contract lots, Gibbs Farm, and the University Golf Course. University officials have estimated that 160 parking spaces would be available on game days. Several other sites were considered for this project, but Hoffoss reported that these had financial and physical restraints. The plan for the project is to have it approved by the Regents in June, 1998 with bids awarded in November, 1998 and the facility open for use in August, 1999.

Commissioner Salzberg asked if the east-west gravel road area on the southern part of the property was proposed to be enclosed by the fence. Hoffoss answered that this was not planned and that there was no plan to remove any vegetation on the site.

Chair Treadwell asked about the provisions taken for control of pedestrian traffic to the site. Hoffoss replied that when the site is completely fenced, pedestrians will be forced to use the entrance on Cleveland Avenue to access the site rather than accessing it from the back and trespassing on private property.

Commissioner Middleton asked about the potential use of the greenhouse and schoolhouse properties for parking and about provisions taken to improve the aesthetics of the site. Hoffoss answered that the greenhouse is not available for parking and that the University's calculations show that further parking is not needed.

He also said that the University intends to do some landscaping on the site in the future, as funding permits.

Commissioner Kuettel asked if the University had considered using the soccer facilities in Blaine or the Metrodome for their games. Donna Olson, Assistant Director of Women's Athletics, replied that the distance to the Blaine facility makes it unsuitable for the University of Minnesota team. The Metrodome is not an option because intercollegiate soccer cannot be played on Astro turf.

Commissioner Kuettel asked about lighting on the site and if the University was willing to guarantee that the site would never be lighted. Olson answered that she cannot guarantee the actions of the University forever, but it does not make sense from their perspective to light the site because the soccer season runs from September through November, when the weather is not conducive to playing games at night. The present game schedule has games on Friday and Sunday afternoons.

Commissioner Kuettel left the meeting at 8:00 p.m.

Chair Treadwell opened the meeting for public comment.

Bob Anderson, 1666 Coffman Street, stated that he hopes that a task force of affected parties can be formed and that a "win-win" situation will be the result.

Marian Watson, 2140 W. Hoyt Avenue, St. Paul, stated he has concerns about the parking calculations presented. The University's calculations of 160 parking spaces for 1500 people means that people would need to come to the site with 10 people in a car. Watson encouraged Falcon Heights to control for on-street parking and to require an Environmental Assessment Worksheet to assess the noise that would occur.

Frank Digangi, 1666 Coffman Street, suggested that the alternative sites studied be re-evaluated and that plans for the greenhouses on Larpenteur Avenue be considered as well.

Sheila Richter, 2132 Folwell Avenue, expressed her support for equal facilities for women's sports. However, she also stated her belief that this is a bad location for further development due to its close proximity to residential sites. The recreational and intramural games played at the site do not cause problems, but the noise level during the intercollegiate games is very bad and keeps her from using her back yard.

Gertrude Esteros, 1666 Coffman Street, stated that since this is a long term use of the land, the long term impacts and constraints for both the University program and the neighborhood need to be known.

John Turner, 1576 Vincent Street, opposes the project due to the additional traffic volume, the inevitable parking shortages, and the unappealing look of an eight foot high fence. He believes that the facility will not add to the area's property values and that it is inappropriate to place this kind of facility next to a multi-family building of retired people. Finally, Turner remarked that since most, if not all, of Falcon Heights' future development issues will be with the University, an institutionalized process for reviewing University development should be established.

Barbara Lukerman, 2211 Folwell Avenue, noted that an intercollegiate stadium is not included in the 1996 University Master Plan. The plan specifies recreational, not competitive, sports for this location. Lukerman stated that women's soccer deserves a stadium that will meet the long-term needs of its program and this site will not do that. She suggested that Ken Greenberg, a planning consultant who assisted the University with its Master Plan, meet with University officials, city officials, and concerned citizens to determine if this is an appropriate use for the site. She further suggested that the city request that an Environmental Assessment Worksheet (less detailed than an Environmental Impact Statement) be completed by the University to determine the impacts of the site on the surrounding area.

Ken Winters, 1575 Northrop Street, President of the University Grove Homeowner's Association, read and submitted a suggested resolution of concern for the planning commission's consideration. The resolution read: "Aware of our responsibilities for planning and development within the structure of government of the City of Falcon Heights, we wish to express our concern about the University's plan to develop further a women's soccer field in the proposed location. In our view, the plans are

freighted with serious consequences for the residential neighborhood. A more desirable form of action would be for the University to look for and discover an alternative site. In addition, we strongly urge the City of Falcon Heights to undertake an Environmental Assessment Worksheet, with special focus on the traffic and parking difficulty, the noise factor, and other hazards to the residential area. Such an Assessment would document the possible impact of the proposed facility upon the entire residential area."

Donna Olson, Assistant Director of Women's Athletics, commented that the University has entered into this process in good faith and is willing to meet with a task force of concerned citizens.

Marcell Richter, 2132 Folwell Avenue, commented that the current time frame does not give concerned citizens much time to have input. He asked that, in the spirit of cooperation, the University pull this item off of its Regent's agenda to allow time for sufficient resident consideration.

Gertrude Esteros, 1666 Coffman Street, noted that the proposed stadium is not an ideal facility in that the student-athletes still have to be housed on the Minneapolis campus, since this is where their locker rooms would be located, and then be bussed over to the site.

Maynard Reynolds, 1666 Coffman Street, asked the athletic department to consider incorporating the greenhouse and schoolhouse properties into the larger schematic when planning for the site.

Ann Mullholland, 2129 Folwell Avenue, spoke in favor of asking the University preparing an Environmental Assessment Worksheet.

The commission recessed for a break at 9:00 p.m. and reconvened at 9:05 p.m.

Nancy Meeden, 2243 Folwell Avenue, expressed concern that an upgraded facility will encourage more extensive use of the property and that it would be used for more than eight to eleven games a year. She also expressed doubt that people would want to walk to the stadium from parking lots several blocks away.

John Turner, 1576 Vincent Street, asserted that the site is not good for the women's soccer program due to limited room for expansion and the need to bus the student-athletes from the Minneapolis campus.

Marian Watson, 2140 W. Hoyt Avenue, St. Paul, stated that people aren't very aware of the soccer field except during game days. Since the temporary bleachers, ticket booth, and toilets are removed during non-game days, the area doesn't look like an athletic facility. If the permanent improvements are done, the facility's presence will be very obvious. She fears a decrease in local property values.

Marcell Richter, 2132 Folwell Avenue, explained that sports departments at the University are under pressure to support themselves. He is afraid that this stadium will be used more often than for an occasional intercollegiate soccer game. He does not object to intramural and "pickup" games played at the site, but the competitive games have been very noisy.

Gertrude Esteros, 1666 Coffman Street, stated that when the condominiums were built, there was an understanding with the University that the playing fields would remain open, recreational green space. There was no indication at that time that there would be a stadium on the site.

There being no one further wishing to speak, a motion was made by Commissioner Brace, seconded by Commissioner Struck, to close the public testimony portion of the meeting. The motion passed unanimously.

Following discussion, the planning commission adopted the following recommendations.

A motion was made by Commissioner Brace, seconded by Commissioner Salzberg, to adopt the following recommendation to the city council. The motion passed unanimously.

The planning commission supports the creation of a task force on the proposed soccer development with representatives from the University of Minnesota, the City of Falcon Heights, the Grove neighborhood, the 1666 Coffman Condominium Association, and surrounding communities impacted by the facility. The task force is asked to consider, but not be limited to, reviewing the following: parking, pedestrian and vehicular traffic flow, noise from the site, aesthetics of the site, the long term suitability of the site for an intercollegiate women's soccer facility, coordination with other uses including the Gibbs schoolhouse and the greenhouse properties on the southwest corner of Cleveland and Larpenteur, and the appropriateness of the mix of the land use between competitive intercollegiate soccer activities with abutting residential properties.

A motion was made by Commissioner Salzberg, seconded by Commissioner Brace, to adopt the following recommendation to the city council. The motion passed unanimously.

The planning commission encourages the city council to establish a formal relationship and better communication with the University of Minnesota on planning issues.

A motion was made by Commissioner Brace, seconded by Commissioner Groff, to adopt the following recommendation to the city council. The motion passed unanimously.

The planning commission acknowledges the receipt of the resolution from the representatives of the Grove Association and the 1666 Coffman Condominium Association and encourages the city council to review the proposed resolution and the full impact that the proposed facility would have on the neighborhood.

**INFORMATION ON THE PROPOSED PARKING FACILITY ON THE ST. PAUL
(FALCON HEIGHTS) CAMPUS**

A motion was made by Commissioner Salzberg, seconded by Commissioner Middleton, to table this item to the May commission meeting. The motion passed unanimously.

ADJOURNMENT

A motion was made by Commissioner Salzberg, seconded by Commissioner Groff, to adjourn the meeting. The motion passed unanimously. The meeting was adjourned at 9:56 p.m.

Respectfully submitted,

Susan Hoyt
City Administrator/Recording Secretary

ITEM: Public hearing to consider an ordinance amending Chapter 9-2.04 subd. 1 (c) of the zoning code related to rear and interior side yard setbacks

PREPARED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and Action Requested. The planning commission is holding a public hearing and is being asked to consider an ordinance amending Chapter 9-2.04 subd. 1(c) of the zoning code to permit garages at a one foot interior side yard and one foot rear yard setback for garages on corner lots adjacent to alleys that use the public street for access. This is the same setback that many garages with access from the alley and not on a corner lot currently have in the neighborhood. There have been three requests for variances for this configuration in the past two years and there are several more opportunities for this configuration to occur when garages on corner lots and on alleys are rebuilt. Therefore, the staff recommends adopting an ordinance amending the zoning code to permit this configuration for council consideration.

Background

The zoning code allows garages to be built at a one foot rear and interior side yard setback when the garage meets the following conditions:

- the garage is accessed from an alley, not a public street; and
- the garage is located in the rear 28 feet of the lot; and
- the garage door is perpendicular to the alley

(garages built at an interior side yard setback of less than three feet must meet special firewall requirements in the building code)

Corner lots which use the street for access to the garage are required under the code to have a five foot rear and interior side yard setback because they are not accessed from the alley. The phrase "not a public street" was included so that this section could not be applied to properties in neighborhoods with traditional street access instead of alley access. It was not intended to require corner lots with side street access to have garage setbacks greater than the other garages on the same alley.

Request to Adopt an Ordinance Amending the Zoning Code

There have been two variances granted for corner lots with street access to be built at setbacks of less than five feet and another request is forthcoming. There are other corner lot properties in the Northome neighborhood that would need variances to reconstruct or expand the existing garages at a setback of less than five feet. Given that the situation no longer appears to be unique to one or two properties, it is appropriate for the planning commission to consider an ordinance amending the zoning code.

Proposed Zoning Code Changes

The proposed changes would allow corner alley properties using street access to have one foot rear and interior side yard setbacks, provided that they meet the same conditions as an interior alley lot (in rear 28 feet of the lot and door perpendicular to the alley.) It would not allow the lesser setback for interior lots that have driveway access from the front of the property.

Attachment

- Proposed changes to Chapter 9-2.04 subd. 1(c)

Action Requested:

- Hear staff report
- Open public hearing
- Close public hearing
- Discussion
- By motion, recommend approval of an ordinance amending Chapter 9-2.04 subd. 1 (c)

CITY OF FALCON HEIGHTS

ORDINANCE

Date June 24, 1998

AN ORDINANCE AMENDING CHAPTER 9 OF THE CITY CODE RELATED TO GARAGE SETBACKS

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

SECTION 1. Chapter 9-2.04 subd. 1 (c) is hereby amended as follows:

c. Accessory buildings, other than garages, in a residential district may be located not less than five feet from an interior side or rear lot line unless the accessory structure is located in the rear twenty percent of the lot, in which case they can be located not less than one foot from the interior side or rear lot line (overhangs may not extend into the one foot side or rear yard setback).

Garages in a residential district must be set back at least five feet from an interior side or rear lot line unless:

(1) the garage meets all of the following:

- (i) is ~~accessed from~~ located on an alley, ~~not a public street~~ and is accessed from the alley or from a public street abutting an alley on a corner lot;
- (ii) is located in the rear 28 feet of the lot, and
- (iii) is oriented such that the vehicular access door is perpendicular to the alley; or

(2) the garage meets all of the following:

- (i) is detached from the principal structure,
- (ii) is accessed from a driveway off of a public street, not an alley;
- (iii) is replacing an existing garage that is located less than five feet from the side lot line; and
- (iv) is located a minimum of five feet to the rear of the principal structure on the nearest adjoining property that is closest to the garage; or is located at least 10 feet from any portion of the principal structure on the nearest adjoining property.

If all the conditions of section 9-2.04 subd. 1 c. (1) are met, the garage can be located not less than one foot from an interior side or rear lot line.

If all of the conditions of section 9-2.04 subd. 1 c. (2) are met, the garage can be located at the same side yard setback as the existing garage that is being replaced, except that the new garage shall not be located less than two feet from the side lot line. The replacement garage does not have to be in the same location as the existing garage.

The corner side yard setback for accessory buildings, including garages, shall adhere to the setback requirement for principal buildings as described in Section 9-4.01, Subd. 4(b) (20% of the lot width). The rear yard and interior side yard setbacks shall be those required for garages and accessory buildings on interior lots. Lots smaller than 75 feet wide shall not have a minimum corner side yard setback requirement less than 15 feet. Garages on these lots may be located closer than 15 feet from the corner side lot line if the vehicular access door does not face the side street. In no case shall a garage or other accessory building be located within the corner side yard.

SECTION 2. This ordinance shall be effective upon passage and official publication.

Moved by: _____

GEHRZ ___ In Favor
GIBSON TALBOT
HUSTAD ___ Against
JACOBS
KUETTEL

Approved by: _____

Mayor
June 24, 1998
Date

Attested by: _____

City Clerk
June 24, 1998
Date

PLANNING COMMISSION

Date: 6/23/98

Item: 2

ITEM: Request for variance of 4 feet in the required five foot rear yard setback for the construction of a garage at 1457 W. Hoyt Avenue, Chapter 9-2.04 subd. 1 (c)

SUBMITTED BY: Tim Carbonneau, Property Owner

PREPARED BY: Carla Asleson, Administrative Assistant/Planner

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Summary and Action Requested. The planning commission is being asked to consider a variance of four feet in the required rear yard setback to replace an existing garage with a new double garage one foot from the rear property line rather than the required five feet (see attachment 1.) The property is a corner lot with access off of the public street rather than off of the abutting alley. This is the third request that the city has received of this nature and, therefore, the reason for the proposed amendment to the zoning code considered in item 1 of this agenda. The staff no longer believes that this situation is so unusual or unique to require a variance to construct a garage with a one foot rear yard setback. However, even if the zoning code is amended to permit this configuration for garages on corner lots that abut alleys in the future, in order to be sure that Mr. Carbonneau can construct his garage in a timely fashion, the staff recommends that a variance be approved.

A. REQUEST FOR VARIANCE

Mr. Tim Carbonneau, owner of 1457 W. Hoyt Avenue, is requesting a variance of four feet in the required rear yard setback to build a garage one foot from the rear lot line rather than the five feet required in the zoning code. His existing single car garage (which would be demolished) already has a one foot rear yard setback. The existing driveway, which accesses Pascal Street, would be used for the new garage, along with some additional concrete to accommodate the new width. The interior side yard setback of 8 feet does not require a variance. The garage's size also meets code and does not require a variance.

B. CHARACTERISTICS OF THE PROPERTY

The property is a corner lot located on Hoyt Avenue and Pascal Street abutting an alley. 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.

D. ANALYSIS

Site Related Issues

The required five foot setback is not necessary for a public safety reason because the property is accessed from the public street and not from the alley. The required five foot rear yard setback is not needed as a buffer between this property and its neighbor to the north because the property abuts an alley, not another residential property.

Uniqueness of the Property

This property is unique in that has access to both the alley and a public street. The zoning code regulations were written with the assumption that persons with garages on alleys would use the alley for access. This garage could be built at a one foot setback if alley access were used and the garage door was perpendicular to the alley. Property owners have the choice of alley access or street access when they have corner lot property.

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. As of this writing, no comments have been received on the proposed project.

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. The property owner has an existing driveway to Pascal Street and the opportunity to use street access.
2. Building the garage at a one foot rear yard setback is consistent with the setbacks 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

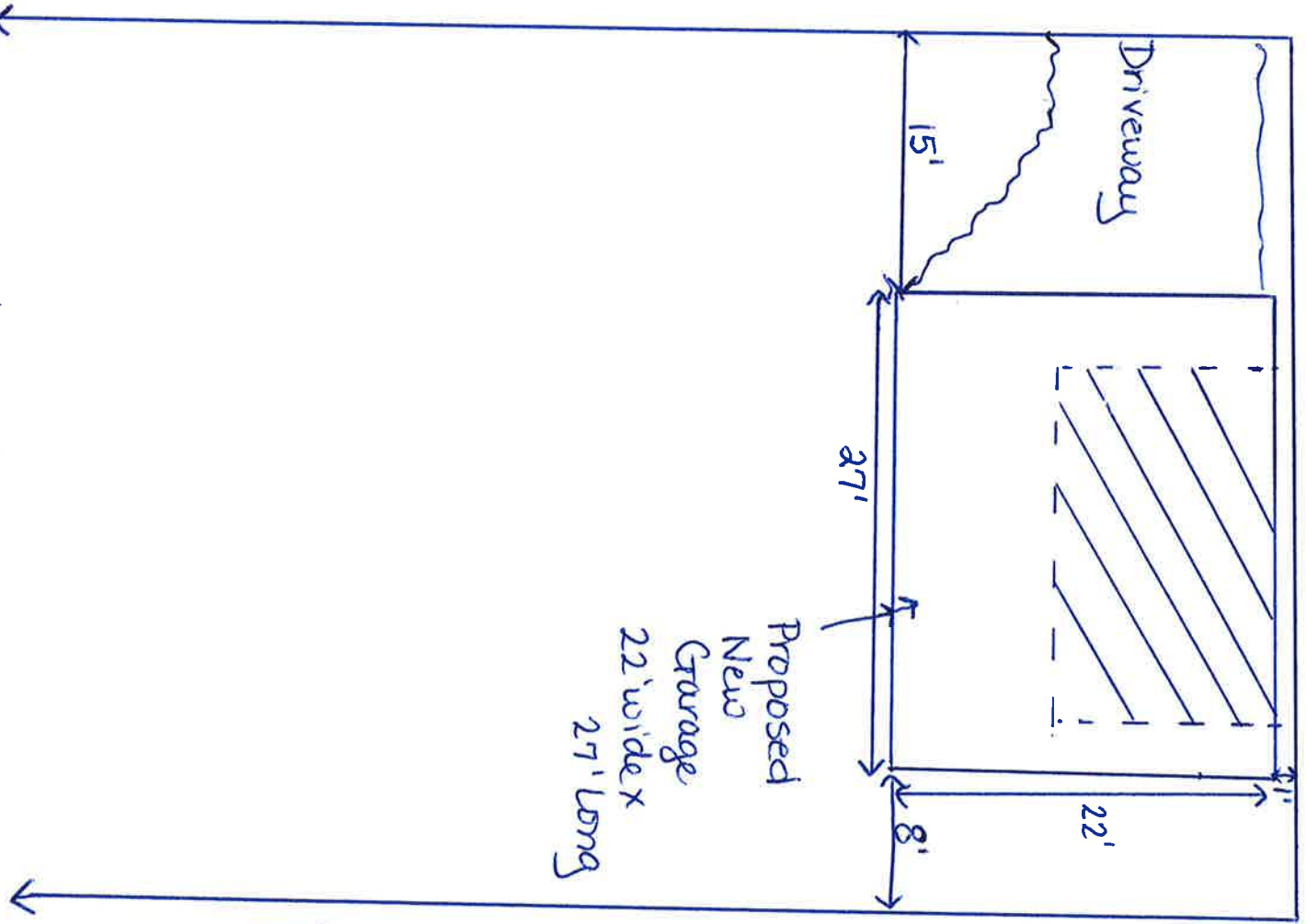
H. ACTION REQUESTED

- Hear staff report
- Discussion and questions
- Adopt Planning Commission Resolution 98-01, recommending approval of the the requested variance of 4 feet in the required rear yard setback in chapter 9-2.04 subd. 1 (c) of the zoning code, which 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.

Pascal Street


Alley

Hoyt Avenue

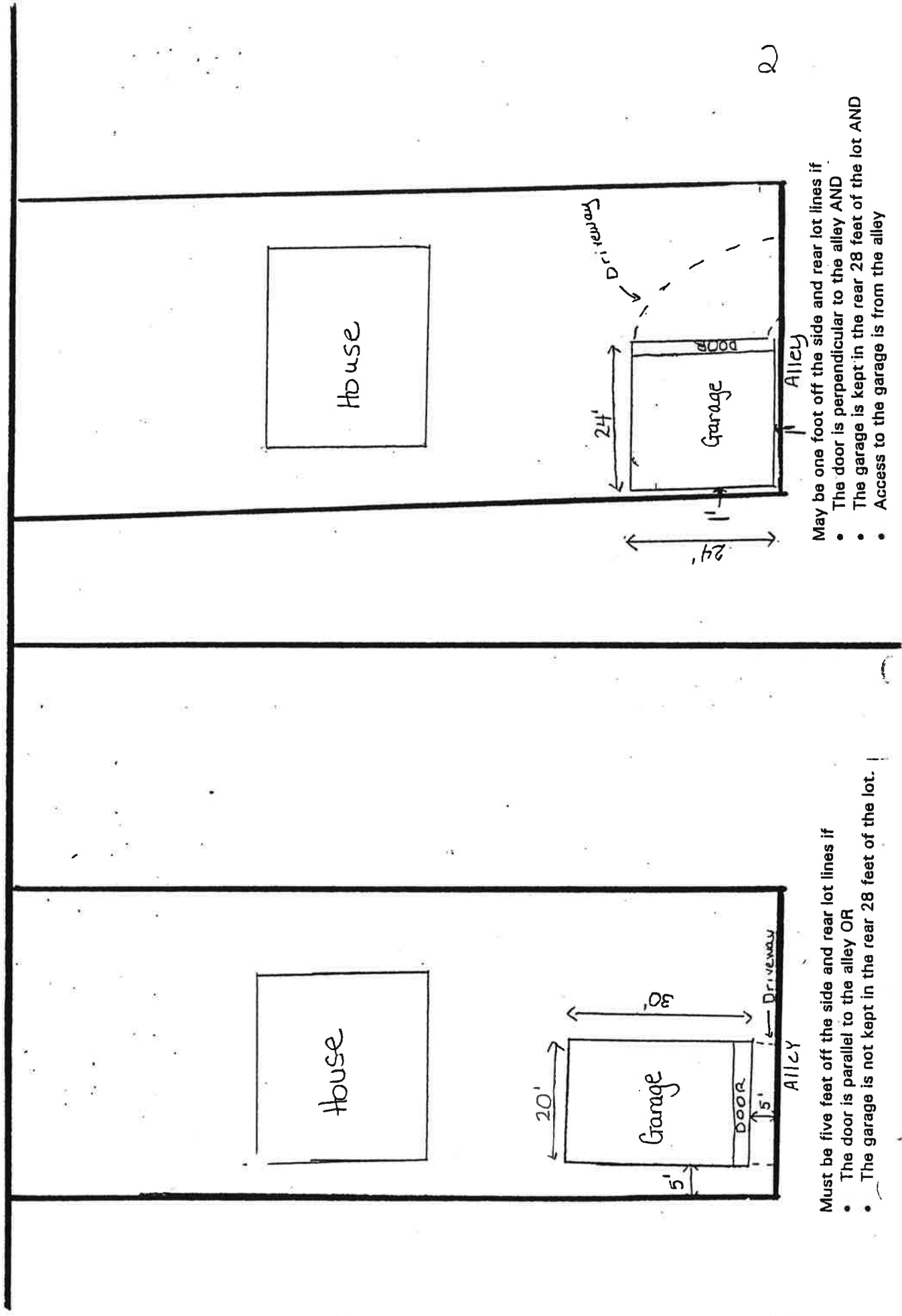


Proposed
New
Garage
22' wide x
27' long

neighbor
property

 = Existing
Single Car
Garage

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;

CITY OF FALCON HEIGHTS

PLANNING COMMISSION RESOLUTION

Date: June 23, 1998

RESOLUTION RECOMMENDING APPROVAL OF A VARIANCE FOR 1457 W. HOYT AVENUE

On June 23, 1998, the Falcon Heights planning commission recommended granting the following variance request for 1457 W. Hoyt Avenue, legally known as the W 10 ft of Lot 17 and all of Lot 16, Block 7, Cable's Hamline Heights Add.:

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

A variance of four feet to allow the construction of a new garage at a rear yard setback of one foot 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 1457 W. Hoyt 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.