

City of Falcon Heights
Planning Commission Minutes
27 April 1999

Present:

Commissioner Brace
Commissioner Groff
Commissioner Maher
Commissioner Salzberg
Commissioner Struck
Commissioner Treadwell

Absent:

Commissioner Middleton

Also Present:

Mayor Sue Gehrz, liaison
Susan Hoyt, City Adm.
Roger Knutson, City Atty.
John Uban, Planner, DSU

Chair Treadwell called the meeting to order at 7:00 pm.

Commissioner Salzberg moved approval of the minutes from the February 16, 1999 meeting. Commissioner Groff seconded the motion. The motion passed unanimously.

Discussion on zoning options for the area north of Lindig Street

Commissioner Treadwell introduced the discussion on the zoning on the area north of the Lindig Street cul-de-sac. She explained that the planning commission passed a motion requesting the staff to bring back options on this area at the last planning commission meeting. She explained that the city council also requested the planning commission to review options for this area.

Administrator Hoyt introduced the discussion by explaining that the city council recently adopted a resolution stating that the city will not consider lot-by-lot or piecemeal development of the area north of Lindig Street. In addition, she said that the city has no plans for the area and no interest in initiating any additional development in this area. She said that the property owners have not approached the city. She said that the purpose of the discussion was to review options and clarify future directions through an amendment to the zoning code, if it was determined to be the best way to plan for the future.

Planning consultant, John Uban, described four options for zoning of this area.

1. Leave the area zoned R-1 with no further modifications of the district.

This option will continue the current zoning with no changes. The city's recently adopted policy not to consider piecemeal development of the area will guarantee that any development proposal considered under the R-1 zone would require to address the impact on all of the properties in this area.

2. Re-zone the area on to the rear of the lots on Fairview and the back lots off of Tatum for open space or guarantee open space through a conservation easement done through the property owners. This would continue the garden and open space along the pathway.
3. Maintain the R-1 zone and put a planned unit development (PUD) overlay zone to include requirements for future development on these parcels. The property would be treated as it is currently under the R-1 zone until the property owners get together and bring forward a development in a PUD.
4. Re-zone to R-1A to maintain a large, long lot development pattern . This eliminates the opportunity to develop with 'in-fill' housing and maintains the long lot development pattern north of Lindig Street. Some lots would be non-conforming because they do not connect to a back lot.

Following Mr. Uban's presentation, Roger Knutson, the city attorney, gave a legal perspective on the options presented. Mr. Knutson believed that option 1 was reasonable and left open future development if the property owners could agree upon this and a development that met city requirements was created. Mr. Knutson believed that option 2 zoning the 'back lots' off of Tatum and rear areas on Fairview for open space could be construed as a taking by the city from the property owners' rights. However, he suggested that a private conservation easement could be done by all the property owners to guarantee the open space into perpetuity. He cautioned that this document would be carried on into the future. Option 3 presented some problems because it would be very difficult to specify what a PUD should look like before any development was even under consideration by the property owners. Option 4 was fairly straightforward since it maintained the same development pattern.

Commissioners asked questions of the consultants.

Chair Treadwell invited the public to ask questions and comment on the options.

Ms. Glick, 1870 Roselawn, asked if option 1 could change at anytime.

Attorney Knutson said that if all the property owners discussed a development plan and came forward with a plan that met city requirements, a development could occur. She also asked if the value of the green space through a conservation easement or of a large lot was the same as for a second developed lot. Planner Uban said that although a larger lot gets more than a smaller lot, if you took a one acre lot and sold it as one large lot it would cost less than two lots in areas like Falcon Heights, where lots are going for a good price.

Ms. Mary Strait, 1763 North Fairview, asked why the west end of her property showed up as owned by the State of Minnesota. Administrator Hoyt said that the engineer was

checking on this, but it was part of the right of way just like her neighbors and appeared to be an error on the map.

Mr. Cunningham, 1764 Lindig Street, asked if there could be a conceptual PUD overlay with no details worked out in the PUD. He suggested that this could be a firmer guarantee that piecemeal development wouldn't occur, but not require an actual PUD plan. Attorney Knutson said that he wasn't sure how this could work with the PUD designation.

Administrator Hoyt asked if the PUD overlay could, in any way, negatively impact the property's value since it might be perceived as an additional encumbrance. Attorney Knutson could not respond to something this unstructured, but said that it could be perceived as an additional control on the land.

Mr. Johnson, 1854 Tatum, said that he had not noticed any real drainage problems after Tatum Street was reconstructed with a stormsewer outlet and he wondered if a pipe could be used rather than a storm drainage area. Planner Uban said that the engineer had said some drainage issues would need to be accommodated and, typically, this is done with storm drainage ponds.

Ms. Busch, 1804 Lindig Street, asked if the property to the north of her lot on Lindig Street could be developed given that there are some drainage problems on this property that might negatively impact her property.

Administrator Hoyt said that the property would need to be formally subdivided since it didn't appear that it was according to the property records. However, given that there was access to public sewer, public street and water it would appear a reasonable property to build upon. A drainage plan would need to accompany the building plans.

Mr. Eldred, 1753 Lindig Street, asked about the adequacy of Lindig Street for through traffic if it was extended. Administrator Hoyt said Dr. Nestigen, 1777 Lindig Street, asked what the easement was at the end of the street and why entry to it was off of Lindig Street. Ms. Glick, 1820 Roselawn, described the private access easement and how it was originally conceived.

Mr. Christianson, 1860 Roselawn, said that he had already invested in his property. He asked where he could get a copy of the easement. Ms. Glick said that she could give him one.

Mr. Behrens, 1816 Tatum, said that originally access to the easement was primarily off of Roselawn but that the extension of Lindig Street several years ago shifted the access more toward the north end of Lindig Street.

Mr. Youn, 1742 Tatum Street, asked if a PUD request had been submitted by a developer. Administrator Hoyt said that no development proposals had been submitted

for the area and that the only development request in the last 14 years was to extend the street one lot.

Ms. Lund, 1805 Lindig Street, asked if there were any property owners interested in developing their property in the future. Three people raised their hands.

Ms. Glick, 1820 Roselawn, asked if the city might gather more information by surveying the property owners and neighbors. She also asked if there were any specific plans or vision for this block or what governed the overall vision of the community.

Administrator Hoyt responded that there was no plan for this area other than the existing land use as it was and the R-1 zone. She said that the city's comprehensive plan describes the goals for the city's neighborhoods and these goals apply to all the city's residential areas.

Chair Treadwell reiterated that the meeting was a discussion meeting and asked Administrator Hoyt to explain the process. Administrator Hoyt said that the next meeting would be further discussion and, hopefully, a recommendation would go to the city council about the zoning. All property owners and neighbors would be notified of this.

Commissioner Brace asked for clarification on the point that the city was not requiring all the property owners of this interior area (potentially 17 to 20) to agree to a development before anything could proceed. He said this seemed terribly restrictive. Attorney Knutson explained that the council had adopted a policy saying there would be no piecemeal or lot-by-lot development but that not all property owners needed to agree on a development. However, all properties would need to be addressed in any proposed development coming from the property owners.

Mayor Gehrz asked the commission to consider surveying the property owners prior to the next meeting so that this information could be incorporated into the discussion on alternatives. After some discussion, the commission requested that staff proceed with this.

Commissioner Maher cautioned commissioners that discussing this issue area, even though no development is in the plans at all, still makes people uncomfortable and that the commission should be aware of that discomfort.

Additional discussion followed.

Update on the city's sign code and commercial zone code.

Administrator Hoyt explained that the attorney was clarifying the city's sign code and business district code to make them more understandable to the city staff and to the public. These were being reviewed now.

Meeting schedule.

Administrator Hoyt asked that the commission be flexible for scheduling for either the third or the fourth Tuesday of the month given conflicts with schedules. The next meeting was set for May 25, 1999 at 7:00 PM.

Commissioner Brace moved adjournment. The motion passed unanimously. The meeting was adjourned at 9:00 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan Hoyt', written in a cursive style.

Susan Hoyt
City Administrator