

City of Falcon Heights  
Planning Commission  
Minutes of 25 May 1999

Present:

Commissioners

Treadwell

Susan Hoyt, City Administrator

Brace

Roger Knutson, City Attorney

Struck

Salzberg

Maher

Groff

Absent:

Commissioner Middleton

Chair Treadwell called the meeting to order at 7:05 PM.

Commissioner Salzburg moved approve of the minutes from April 27, 1999.  
Commissioner Maher seconded the motion. The motion passed unanimously.

Discussion and recommendation on zoning for the area north of Lindig Street.

Administrator Hoyt reviewed the commission's discussion on future zoning on Lindig Street. She explained that although no development proposals for the area, other than one request to develop a single, had come to the city's attention during the past years, the commission was being asked to consider two of the four options presented at the last commission meeting to recommend to the city council. The four options included; 1) keeping the zoning the same, but not allowing lot-by-lot development, 2) re-zoning for permanent open space or having property owners privately pursue a conservation easement, 3) re-zoning with a planned unit development (PUD overlay district) and 4) re-zoning to R1-A to require large lots in this one-

half block of the city. The administrator said that the second option, re-zoning for open space, was not being recommended because this could be considered a taking from the property owner and because property owners could privately negotiate conservation easements to accomplish the same thing. In addition, she said that option 3, re-zoning to a PUD was not recommended because it would be complicated to anticipate any specific criteria in this area and this re-zoning would act as another layer of controls on the property. She added that the R-1A large lot zoning would not guarantee that the area now used as open space and garden area by the property owners would always remain free of structures on the rear of the lots. However, it would eliminate infill development of this portion of the block.

The Administrator summarized her interpretation of the results of a survey of property owners regarding their interest in retaining their right or some future property owners' right to develop the property, if all necessary criteria could be met. She said that the survey return rate was 59%, less than the usual return rate for surveys in Falcon Heights, and that the results were not uniform.

The Administrator also said that a possible recommendation would be to retain the R-1 zone but further clarify that the area north of Lindig Street must be addressed a whole in any future development and that a map be referenced in this recommendation.

Chair Treadwell entertained comments and questions from the public attending the meeting. Ms. Jane Auger, 1880 Roselawn, asked how property owners could guarantee a conservation easement. Attorney Knutson responded with an explanation of how a conservation easement can be dedicated into perpetuity if property owners agree among themselves to do so. This would not involve the city.

Ms. Lillian Bianchi, 1887 Fairview, asked how her property could be changed if she owned it and didn't agree to any changes in the development or for a conservation easement. Attorney Knutson said that any change on her property would require the property owner's consent unless the property was condemned under eminent domain, which was not anticipated under any scenario.

Chair Treadwell explained that the area north of Lindig Street was being considered by the commission because of some of the ambiguities surrounding it over the past several years.

Ms. Geri Glick Anderson, 1870 Roselawn, asked why the Lindig Street property owners, who do not own property north of Lindig Street, were not surveyed about their interest and why their interests weren't being taken into account. Administrator Hoyt explained that the property owners of the area were surveyed to determine their interests because the zoning restrictions, if adopted, were limiting their property on this  $\frac{1}{2}$  block of the city more than any other residential neighborhood in the city. The city would need to have a good reason to pursue a more restrictive zoning for this area of the city. Administrator Hoyt also explained that many persons speaking at prior meetings represented the viewpoints of property owners along Lindig Street.

Mr. Bill Cunningham, 1770 Lindig Street, said that when he purchased his home many years ago, realtors said the area to the north would not be developed. He said that there was a map of a 'no build zone'. Administrator Hoyt explained that there was a map indicating a 'no build zone' in the area along the northern edge of Lindig Street and north of Lindig Street because the area could not be developed due to drainage and sanitary sewer problems. The area was not designated a 'no build zone' because it was intended for protection of a protected wetland or other natural feature. She said that the city's interest is in making sure that any development of the city is done according to standards that protect the public health and safety of the area.

Mr. Gil Behrens, 1816 Tatum Street, pointed out that when he lived on Tatum Street the area to his east was undeveloped and green space until Lindig Street was developed in 1963 and development was extended north along Lindig Street.

Commissioner Salzburg stated that two issues would need to be addressed with the R-1A large lot zoning. First, the commission would need a reason to recommend this zoning. And, second, the commission would need to see what complications it presented since not all lots on Tatum Street owned lots to

the rear and, therefore, would be non-conforming uses if re-zoned. Attorney Knutson concurred with the last statement that some lots on Tatum would be non-conforming and language to accommodate their future could be integrated into the ordinance.

Commissioner Brace said that there did not appear to be any compelling demand to require large lot zoning in this neighborhood.

Chair Treadwell reminded commissioners that the opportunity to pursue private conservation easements was available to property owners who wished more guarantees to retain their own and their neighbors open space.

After further discussion, Commissioner Salzberg moved the following language be forwarded to the city council along with a map of the designated area.

*Lindig Street not be extended north to serve the development of individual lots on a lot by lot basis. And that the area north of Lindig Street and south of Roselawn Avenue (as identified in Attachment A) not be developed on a lot by lot basis and that any future development consider and address the area as a whole and provide for adequate sanitary sewer facilities, storm drainage facilities and public access to serve the development.*

Commissioner Maher seconded the motion. The motion passed unanimously.

#### Other business.

Administrator Hoyt explained that the zoning code needed to be amended to incorporate the requirement that any lot for development must have access off of a public street. This requirement appears in a different section of the city code. A public hearing will be scheduled on this amendment at the next meeting.

The planning commission meeting was set for the fourth Tuesday of each month at 7:00 PM instead of the third Tuesday due to conflicting schedules for the city attorney.

Respectfully submitted,



Susan Hoyt  
Recording Secretary