

***City of Falcon Heights***  
**Planning Commission**  
**City Hall**  
**2077 W. Larpenteur Avenue**

**Tuesday, June 27, 2006**  
**7:00 p.m.**

**A G E N D A**

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: DeLeo\_\_\_\_ Lukermann\_\_\_\_ Lageson\_\_\_\_  
Mercer-Taylor\_\_\_\_ Rodich\_\_\_\_ Ryan\_\_\_\_  
Tracy\_\_\_\_ Council Liaison Kuettel\_\_\_\_  
City Administrator Miller\_\_\_\_ Staff Liaison Jones\_\_\_\_  
City Attorney Andrea Poehler\_\_\_\_
- C. APPROVAL OF MINUTES: May 23, 2006
- D. INFORMATION AND ANNOUNCEMENTS
- E. ADJOURN to workshop

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CITY OF  
**FALCON HEIGHTS**

2077 W. Larpenteur Avenue  
Falcon Heights, MN 55113-5594

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**MEMORANDUM**

**To:** Members of the Planning Commission  
**CC:** Justin Miller, City Administrator;  
Laura Kuettel, Council Liaison  
**From:** Deb Jones, Staff Liaison   
**Subject:** **Planning Commission Meeting on June 27, 2006**  
**Date:** June 23, 2006

In your hands you have the zoning and planning chapters of the recodification draft! We have scheduled a workshop meeting this month to give you an opportunity to review and discuss the draft before you take any formal and official action. Please see the staff report attached to the draft.

You also received a copy in PDF format yesterday. You probably noticed it was extremely colorful! I am assured that the colors are formatting codes only and do not apply to what we have to do. Therefore, the enclosed copies are in black and white. Feel free to write notes or mark your copies up in any way you want.

The final portions of your drive-through packets will be distributed Tuesday evening because I forgot to note who gave back theirs and who didn't. I will make sure everyone leaves with a complete set that evening. The documents are also on the website. Thank you very much for your participation in the drive-through process! We know we have asked you to attend a lot of meetings in the last few months and that it was not possible for each of you to go to every one. Your presence was sincerely appreciated.

As always, please let Staff know if you are unable to attend.

See you Tuesday evening!



## MEMORANDUM

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**City of Falcon Heights  
Planning Commission Minutes  
May 23, 2006**

**PRESENT:** Commissioners DeLeo, Lukermann, Lageson, Rodich, Ryan, Tracy, Council Liaison Kuettel, Staff Liaison Jones.

**ABSENT:** Mercer-Taylor

The meeting was called to order at 7:01 p.m.

**MINUTES:** The minutes for February 28, 2006, were approved.

**PUBLIC HEARING: Variance Request for 1729 Snelling Avenue North**

Zoning and Planning Coordinator Jones presented the staff report. 1729 Snelling is the residential property (zoned R-1) immediately north of the Warner-Stellian parking lot (zoned B-3). The applicants, owners Tim and Geraldine Thomas, are requesting a variance to build an 8-foot privacy fence along their property line adjacent to the Warner-Stellian property, from a point even with the front of the house to the rear property line. The maximum fence height allowed by code is 6 feet. At present the property is fenced with a 3 foot chain link fence which provides the applicants no protection from noise, dust and litter and no privacy. An 8 foot fence already exists between the Warner-Stellian property and the adjacent homes on St. Mary's Street.

The staff findings of fact indicate that no detriment or impairment would result from granting the variance. The applicant's property is one of the few residential properties that are not only adjacent to commercial property but which are within 500 feet of the Snelling-Larpenteur intersection, one of the busiest in the metro area. In view of the over-height fence enjoyed by neighbors on St. Mary's, a particular hardship would result to the applicants if they were held to the 6-foot height allowed by code. The variance is reasonable, and Staff recommended approval.

Commission Chair Ryan opened the public hearing.

Tim Thomas of 1729 Snelling, applicant, said that the staff report said everything he needed to say but that he would welcome questions from the Commission. Commissioner Lukermann asked what material the fence would be made of and how it would be made to match the west fence. Mr. Thomas said it would be made of redwood and would be a solid fence, although probably not identical to the fence behind the St. Mary's homes. In response to a question from Commissioner Lageson, Mr. Thomas confirmed that the St. Mary's fence is solid to the top, and his fence would be also. Mr. Lageson asked if the fence would be set back from the property line, and Mr. Thomas said they would like to get it as close as they can to the line but that they would leave the existing fence if it belongs, in fact to Warner-Stellian. Mr. Lageson recommended talking to Warner-Stellian to make sure they don't damage it with snow removal.

Ms. Jones asked to clarify fence setbacks. Side fences behind the front yard may be at the property line. In response to a question from Commissioner Lukermann, Ms. Jones said that no survey is required for the granting of the variance. Establishment of the property line is part of the permit process. In response to a question from Commissioner Rodich, Jones confirmed that 6 feet is the height limit for fences city-wide and there is a further limit in residential front yards of 3 feet.

Council Member Kuettel added her recommendation that the applicant talk to the adjacent commercial property owner and said that Staff could provide contact information.

There being no other person who wished to speak, the public hearing was closed at 7:42 p.m.

**DISCUSSION AND ACTION: Variance at 1729 Snelling**

Commissioner Tracy brought up a similar variance several years ago at Gibbs Farm. He added that the present case is possibly the most reasonable variance request he has seen in his time on the Commission. Ms. Jones replied that the Gibbs Farm case was similar, but the Commission is not required to consider it as a precedent.

*Lukermann moved, Tracy seconded, that the Commission recommend approval of the variance. There was no additional discussion. Motion passed unanimously.*

The final decision will go to the City Council on June 14.

**INFORMATION AND ANNOUNCEMENTS:**

Staff Liaison Jones said the recodification draft has not yet been received but is expected by the end of May.

Jones presented a brief update to the Commission on the drive-through study and reminded the Commission of the third community meeting coming up on June 8 at which possible policy recommendations will be discussed. The final report will be submitted to the Council on July 12. If the Council feels that changes to the code are desirable, the matter will be handed back to the Planning Commission. Materials distributed at the first two meetings are on the City website.

Mr. Lageson asked if the City is under any obligation to "grandfather in" the Dino's drive-through or if they would have to abide by any ordinances passed during the moratorium. Jones said she was glad to have an opportunity to clarify the situation. Dino's application earlier in 2006 was for a lot coverage variance, similar to the one they had applied for in 2003 (but withdrew) in 2003. The 2006 variance was withdrawn because the architect submitted a preliminary site plan showing that the variance was unnecessary. Next, the Council approved the moratorium. As no permit application had been received before the moratorium went into effect, if Dino's owners seek to add a drive-through after the moratorium is lifted they will have to abide by whatever ordinances have been passed in the interim. Ms. Jones provided a copy of the preliminary Dino's site plan to the Commissioners because there has been so much speculation about the situation, but she repeated that the plan was preliminary and not under consideration because not permit has been applied for. She also emphasized that this process is not aimed at one property but in consideration of the potential impacts of drive-through business on any commercial lot in Falcon Heights, including those lands that might be rezoned for commercial use in the future.

Commissioner Rodich asked how the preliminary Dino's plan demonstrated conformity with code. Ms. Jones said that at the time of the 2003 variance the frontage road between Crawford and the alley was public right of way. The frontage road was subsequently turned over by the City to two adjacent business owners which added to the Dino's property (permanent traffic easements were imposed). This expanded the size of the Dino's property, allowing landscaping to be added without losing the required parking and enabling the addition of the drive through lane.

Commissioners requested more information on the conveying of the frontage road to the adjacent owners. Ms. Kuettel said that it was part of a very complicated set of transactions during the

development of the Southeast Corner. Ms. Jones said she would look up the details and provide them at the next meeting.

In response to questions from Mr. Lageson regarding the details of the preliminary plan, Ms. Jones repeated that the plan is preliminary and is not under any kind of consideration by the City. If the owners of Dino's wish to apply for a permit or variances to build a drive-through after the moratorium they will be required to submit a new plan at that time.

Commissioner Ryan said he had receive the annual report from MetroGIS and would make it available to the other Commissioners. He also announced an opportunity Commissioners have to send for educational materials; please see him for more information.

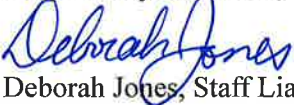
Ms. Jones announced that the fence on the east side of Dino's is scheduled to be built soon. There will be some regrading and a retaining wall. The final fence will be 6 feet.

Mr. Ryan encouraged residents to come out and participate in the drive-through study.

#### **ADJOURNMENT**

The Planning Commission meeting was adjourned at 7:33 p.m.

Respectfully submitted,



Deborah Jones, Staff Liaison

**WORKSHOP ITEM:       Review of Zoning and Planning Chapters of draft Falcon Heights City Code**

**SUBMITTED BY:   Deborah Jones, Planning and Zoning Coordinator**

**REVIEWED BY:   Justin Miller, City Administrator**  
**Roger Knutson, City Attorney**

**Summary:**

Municipal Code Corporation has submitted for the City's review the draft of the updated Falcon Heights City Code. The portion of the code included in the present Chapter 9, the zoning code, has been split into two chapters, Chapter 109, Subdivisions and Platting, and Chapter 113, Zoning. (Chapters 110 – 112 are reserved)

The task of the Planning Commission is to examine the draft zoning and planning chapters, hold a public hearing on those chapters, and make a recommendation to the City Council. The June 27 meeting is an opportunity for the Commission to read and discuss the draft in informal workshop and point out any areas that need to be examined closely or referred to the City Attorney and Municipal Code for further work before the public hearing. Staff hopes that final discussion, the public hearing and recommendation to the Council can be completed at the July 25 meeting.

For the workshop, we recommend that you read through the draft, section by section, with your copy of the existing Chapter 9 at hand for comparison. Please note any areas that you would like to bring up for question or discussion at the workshop. Andrea Poehler from the City Attorney's office will be on hand to help answer questions. We encourage you to write directly on your copy any notes or questions you have.

The draft looks very different from the text we are all used to, so you may find the following points helpful:

- The draft chapters, though substantially reorganized, should contain no substantive changes from our current code except those necessary to bring our code into line with State Law.
- Recent ordinances have been incorporated into the text. These probably constitute the most noticeable changes from the version of Chapter 9 you received in 2004.
- If you do spot anything that seems to be a major inconsistency or change that can't be accounted for, please flag it for the workshop discussion.
- Each section is annotated with a reference to the existing code or ordinance. I found this extremely helpful!
- Each change is explained in the footnotes.



- The different colors of text (which you have observed on the PDF version you were sent by email) are formatting codes that will be used by the editor to put the chapters into final form. They don't have any bearing on our review task and will not show in the final version.
- Each paragraph now has a subject heading, a very helpful new feature!

Any code amendments that the Council approves from here on out will be included in the supplements, which will be added on a regular schedule. This includes any ordinances that may result from the drive-through study.

Please do not hesitate to contact me if you have any questions or concerns about the draft.

**ATTACHMENTS:**

- Falcon Heights City Code draft preface
- Falcon Heights City Code draft of Chapter 109 "Subdivisions and Platting"
- Falcon Heights City Code draft of Chapter 113 "Zoning"

**ACTION REQUESTED:**

No official action; discussion and review only.



City of Falcon Heights  
Drive-through Moratorium and Study  
2006

**Community Meeting Handouts**

1. April 13 Community Meeting (delivered to Planning Commission with May 23 packet)
  - a. Agenda
  - b. Citizen Input Form
  - c. Powerpoint Presentation
  - d. Meeting Summary – Dan Cornejo
  - e. Evaluation Form
2. May 11 Community Meeting (delivered to Planning Commission with May 23 packet)
  - a. Agenda
  - b. Citizen Input Form
  - c. Powerpoint Presentation
  - d. Survey of Zoning Regulations for Drive-through Facilities in Other Cities
  - e. Survey of Falcon Heights Business Parcels (B-1, B-2, B-3)
  - f. Meeting Summary – Dan Cornejo
  - g. Evaluation Form – Not included in Planning Commission Packet of 5/23; identical to April 11 form
  - h. Meeting Notes (from easel pages, transcribed by D. Jones; distributed to Planning Commission but not to public because this document was replaced by the Meeting Summary [Item f above] which had not yet been written on May 19)
3. May 19 Memo to Planning Commission (cover memo for drive-through packet)
4. May 23 Memo to Planning Commission: Dino's Preliminary Site Plan of February, 2006
5. June 8 Community Meeting
  - a. Agenda
  - b. Powerpoint Presentation
  - c. Citizen Input Form (Not distributed; the information was gathered in another way)
  - d. Sample Policy Options
  - e. Final Citizen Input Form (catch-all)
  - f. Evaluation Form
  - g. Sample Drive-through Definition (not copied for handout but posted on website)

# Falcon Heights Drive-through Study

## May 11 Community Meeting

### Comments made by meeting attendees

#### Permitted or Conditional Use

- A few commented that all drive-throughs should be prohibited.
- Most commented that drive-throughs should be a conditional use, not an outright permitted use.

#### Noise

- INTENT: Residents should not hear the speaker box.
- Speaker should not be audible at the property lines.
- Consider also the “across the street” situation or whether the adjacent property is a business property
- How would you enforce a noise regulation? Specific decibel count?
- What should the location be for the speaker box?
- What about ambient noise? How do you factor in (or out)?
- The speaker box should be aimed away from adjacent homes.

#### Traffic on-site and in neighborhood

- Stacking lane for cars on site should be sufficient to accommodate space for all vehicles ordering and waiting for their orders to be filled.
- Consider differentiating eating establishments from others, such as banks.
- Vehicles should not be allowed to stack out into the adjacent streets.
- Consider pollution from stacking/waiting cars.
- Stacked cars should not be allowed into the parking maneuvering aisle.

#### Pedestrian Safety

- Consider sidewalk safety.



Falcon Heights Drive-Through Study  
June 8, 2006

## **Tonight's Agenda**

- Welcome and Introductions;  
Review of ground rules
- Review: Study purpose and scope
- Review: Comprehensive Plan and Zoning Code
- Recap of previous meetings (April 13, May 11)
  - Policy directions
- Regulation priorities – your input
- Sample policy recommendations
- Next steps
- Summary; evaluations

## Drive-through Facilities Zoning Study

June 8  
Community Meeting



Falcon Heights, Minnesota



## Tonight's Agenda

- Study purpose and scope
- Comp Plan and Zoning Code
- What you told us: Policy Directions
- Your Input on Priorities
- Draft Policy Recommendations
- Next Steps



## Purpose of Study

Dan Cornejo, city planning consultant

- City adopted Interim Ordinance on Feb. 8<sup>th</sup>
- Clarify City's interest in development impacts of sites with drive-through facilities
- Establish standards and criteria for design and location of drive-through facilities
- Make recommendations for any needed zoning code revisions or amendments

## Scope of Study

- Gather public input; priorities
- Analyze concerns and issues
- Survey regulations in other cities
- Survey and document B-zoned sites
- Prepare recommendations for Planning Commission and City Council action



## Community Involvement Process Residents Working Group

- Meeting 1: April 13  
Concerns and Issues
- Meeting 2: May 11  
Discussion of data; formulate policy directions
- Meeting 3: TONIGHT  
Input on policy recommendations
- City Council Meeting: Wednesday, July 12  
Consider recommendations

## Comprehensive Plan

Guides City elected and appointed officials in all of its decisions relating to:

- Land use and development
- Transportation
- Community facilities
- Public improvements and investments

### Policy Option #2: B-2 and B-3 Zones

- PROHIBITED in B-1; PROHIBITED as Permitted Use
- Conditional Use: drive-through accessory use for ONLY BANKS in B-2; for ALL USES in B-3
- Speaker box 100 ft. from residential
- Driveway 75 ft. from intersection
- Minimum lot size: >30,000 sq. ft.
- Stacking spaces: 8 cars / 170 ft.
- Hours of operation: 7:00 am to 10:00 pm
- Noise: NOT AUDIBLE from residential
- Lighting: no glare onto residential
- Traffic Impact Study: required

### Policy Option #3: All Zones

- PROHIBITED anywhere in Falcon Heights

### Next Steps

- Consultant and City staff, and City Attorney, analyze input
- Consultant prepares recommendations for City Council consideration on JULY 12
- Referral to Planning Commission for review, comment, and recommendation
- Return to City Council for action
- Public Hearing if zoning changes are contemplated



# Citizen Input – June 8 , 2006

## Falcon Heights Drive-Through Study

### Policy Directions: What you told us on May 11

- INTENT: Reduce impact on residential uses; retain livability and neighborhood character
- Severely restrict, but don't prohibit
- Make drive-through a **CONDITIONAL** use
- Nearby residents should **NOT** hear noise; select specific decibel measure
- Traffic should **NOT** overflow into neighborhood
- Keep pedestrians safe (on and off site)
- Limit hours of operation
- Shield glare from car lights

Please give us your sense of priority for each of the following regulatory categories.

Regulatory Category	check one			Additional Comments? Please use the back of this page if you need more space to write.
	High Priority	Medium Priority	Low Priority	
Limiting which zones can have a drive-through (Would be a <b>Conditional Use</b> in those zones.)				
Limiting what kinds of businesses can have a drive-through (as a conditional use)				
Having a required minimum distance from residential property (for building, speaker, service window, driveway, etc.)				
Required minimum distance between access drive(s) and street intersection.				
Requiring the lot to be above a minimum size				
Specifying a minimum space or number of vehicles for stacking				
Restricting hours of operation				
Noise restrictions				
Lighting restrictions, including headlight glare				
Requiring a traffic impact study at applicant's expense				

Do you have any other comments? Please use the back of this page.

# (Draft) Policy Options for Drive-through Regulations

Falcon Heights Drive-through Study - CORNEJO CONSULTING

June 8, 2006 (to be revised before presentation to Council on July 12)

	Option #1	Option #2	Option #3
Business Zones	PROHIBITED in B-1; B-2, B-3 (see below)	PROHIBITED in B-1; B-2, B-3 (see below)	PROHIBITED in all zones
Permitted Use	PROHIBITED	PROHIBITED	
Conditional Use with Site Plan Review	Drive-through accessory use for ONLY BANKS	Drive-through accessory use for ONLY BANKS in B-2; for ALL USES in B-3	
Distance Req. - building, speaker, service window	50 ft. from residential; not in required yard	100 ft. from residential; not in required yard	
Distance Req. - driveway	20 ft. from intersection	75 ft. from intersection	
Minimum Lot Size	>20,000 sq. ft.	>30,000 sq. ft.	
Stacking Spaces	8 spaces / 170 ft.; no interference with parking; not in required yard	8 spaces / 170 ft.; no interference with parking; not in required yard	
Hours of Operation	7:00 am to 10:00 pm	7:00 am to 10:00 pm	
Noise	<50 dBA	Not audible from residential	
Lighting	No glare onto adjacent property	No glare onto adjacent property	
Traffic Impact Study	Required	Required	





# Citizen Input – June 8 , 2006

## Falcon Heights Drive-Through Study

Do you have any additional comments?

Do you have any additional questions?

If you would like to be contacted with answers to your questions please give us your contact information.

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

**Facilitated Discussion  
City of Falcon Heights  
Drive-through Study Input Meetings  
June 8, 2006  
EVALUATION FORM**

1. Did you get the information you need to participate effectively in the discussion?

1    Yes                    2    No

2. If your answer to question 1 was **no**, what information would be helpful?

3. What did you like most about the process?

4. If the City decides to conduct any similar studies in the future, what suggestions do you have to improve future meetings?

5. Anything else?

Name: \_\_\_\_\_

# **Drive-through Facilities Zoning Study**

## **Falcon Heights, Minnesota**

**CORNEJO CONSULTING**

**June 8, 2006**

### **Current Definition in Zoning Code**

Drive-In. Any use where products and/or services are provided to the customer under conditions where the customer does not have to leave the car or where service to the automobile's occupants is offered regardless of whether service is also provided within a building. This shall include, but not necessarily be limited to, the following: car and truck wash, drive-in banking, restaurants where some or all customers may consume their food and/or beverages in an automobile, restaurants providing carry-out or delivery service stations, parcel pick-up, and similar uses.

### **Proposed Definition**

Drive-through Facility. The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be permitted only as an accessory use, i.e. in combination with other uses such as a bank or financial institution, restaurant, retail store, dry cleaners, laundry, or pharmacy. Despite the above, a drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.