

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

Tuesday, June 23, 2009
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Black ____ Gosline____ Gustafson ____ Hasegawa____
 Noble ____ Rodich____ Salzberg____ Watkins____
 Council Liaison Kuettel ____
 City Administrator Miller____ Staff Liaison Jones ____
 City Attorney ____
- C. Approval of the minutes for March 24 and May 26
- D. PUBLIC HEARING: Ordinance Amending Chapter 113 of the Falcon Heights
City Code concerning floodplain regulations
- E: AGENDA
 - 1. Floodplain ordinance: Discussion and recommendation to City
Council
- F. INFORMATION AND ANNOUNCEMENTS
- G. ADJOURN

*If you have a disability and need accommodation in order to attend this meeting,
please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30
p.m. at 651-792-7600. We will be happy to help.*

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CITY OF
FALCON HEIGHTS


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

email: mail@falconheights.org
website: www.falconheights.org

The City That Soars!

Phone - (651) 792-7600
Fax - (651) 792-7610

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 23, 2009
Date: June 18, 2009

The Planning Commission will meet at 7:00 p.m. on Tuesday, June 23. The only scheduled agenda item is consideration of a new floodplain ordinance amendment to the city code. A public hearing is scheduled, and a quorum is required for this action. Please notify staff as soon as possible if you are unable to attend.

The City of Falcon Heights is not in a floodplain and is considered at low risk for flooding. The city has never participated in the national flood insurance program. However, FEMA is encouraging adoption of floodplain ordinances by cities that do not now participate in the program. This will make citizens eligible to buy flood insurance if they wish to have it, or if they need it to qualify for certain kinds of home financing. Further details are in the packet. You may also learn quite a bit about this program by visiting the following link:

http://www.dnr.state.mn.us/waters/watermgmt_section/floodplain/index.html

For next month we are expecting to receive an application for the rezoning of 1871 Larpenteur (northeast corner of Lindig and Larpenteur), now used as an office by Cornerstone Construction Management, Inc. The owners wish to rezone this commercial property as a PUD in order to build a four unit residence. Their goal is to provide housing for academic personnel visiting the University for a semester or a year. Three zoning processes need to be done in order for this to happen: (1) rezone from B-1 to P.U.D.; (2) Amend the new comprehensive plan; (3) Create the Planned Unit Development. We hope to cover all three in one hearing and one Planning Commission meeting on July 28. We recommend that you read (or reread) the sections of Chapter 113 regarding rezoning and Planned Unit Developments before next month. If you do not have a paper copy of the chapter, you can find it online. I have emailed the link. City Administrator Justin Miller will staff that meeting, as I will be out of town.

I look forward to seeing you Tuesday evening. Have a good weekend!

FAMILIES, FIELDS AND FAIR



PRINTED ON RECYCLED PAPER

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**City of Falcon Heights
Planning Commission Minutes
March 24, 2009**

PRESENT: Commissioners Gosline, Gustafson, Hasegawa, Noble, Rodich and Watkins, City Council Liaison Kuettel. Also present was Staff Liaison Deb Jones.

A quorum being present, the meeting was called to order by the Chair, Erick Watkins, at 7:00 p.m.

The minutes for the February 24, 2009, meeting were approved.

Public Hearing: Proposed code amendment regarding garages in R-4

In the introductory staff report, Ms. Jones reviewed the Commission's February discussion on this issues, which is the challenges and contradictions faced by owners of the small Larpenteur Avenue apartment properties in providing on-site parking or changing the parking configurations they already have. None of these properties conform to the parking requirements, and, due to lack of space, none of them can. Existing code provisions make it nearly impossible for anything to be changed on any individual property without some kind of variance.

In their February discussion, the Commission came to the consensus that **removing the requirement that half the parking places must be enclosed, for apartment properties with alleys**, would at least allow the option of providing only uncovered parking without the need for a variance, without creating more complications and unforeseen consequences. For new apartment garages, the Commission would prefer to handle variances on a case by case basis. Only nine properties are affected. Tonight's proposed code amendment was written to reflect the conclusion of the Commission in February. The amendment does not affect single family properties.

When the hearing was opened, the only member of the audience who came to the podium was Mr. John MacDonald, resident of Hastings, Minnesota, and owner of the apartment property at 1490 Larpenteur. His building has four units and four parking places, of which one is in a garage. He was concerned that the code change might require him to remove the existing garage, which he would rather continue to maintain on the property. Assured that the amendment would not force him to make any changes, only allow the option of removing the garage if he should so choose, he said he had no objections.

There being no other speakers, the hearing was closed.

Discussion and Commission Action

After a brief discussion a motion was made by Commissioner Gustafson, simultaneously seconded by Commissioners Rodich and Noble, that the code amendment be recommended for approval. The motion was approved unanimously.

Presentation by Brady Rutman, UM student, on his University Golf Course Project.

Mr. Rutman is a student of landscape architecture and planning at the University of Minnesota. Early in the semester he approached city staff with questions regarding the city's comprehensive plan in relation to a class project planning a new hypothetical configuration for the Les Bolstad University of Minnesota Golf Course. He was invited by staff to present his project to the Planning Commission in the spring as an illustration of the kind of changes that might take place if the University should decide to repurpose the golf course land some time in the future. In her introduction, Ms. Jones emphasized that no actual changes are planned at this time.

Mr. Rutman outlined the objectives of his project: to illustrate how housing could be combined with recreational use on the half-mile block of the golf course in a way that would be compatible with the City's draft comprehensive plan, provide good traffic and pedestrian connections, and preserve a cherished outdoor space as a recreational resource serving the wider community. He showed maps of three successive plans developed over the course of the semester and explained the evolution of each plan. Commissioners had a lot of questions, and a lively discussion ensued.

ADJOURNMENT: The meeting was adjourned at 7:57 p.m.

Respectfully submitted,



Deborah Jones, Staff Liaison

**City of Falcon Heights
Planning Commission Minutes
May 26, 2009**

PRESENT: Commissioners Gosline, Gustafson, Hasegawa, Noble, Rodich and Watkins, City Council Liaison Kuettel. Also present was City Attorney Andrea Poehler and Staff Liaison Deb Jones.

A quorum being present, the meeting was called to order by the Chair at 7:00 p.m.

Approval of the Planning Commission minutes for March 24 was postponed.

Public Hearing: Variance at 1496 Larpenteur Avenue

Staff liaison Jones provided an introduction. The applicant is the owner of an eight-unit apartment building on a 50 foot by 115 foot lot on Larpenteur, served by an alley. The applicant is asking for three variances in Section 113-240 of the city code in order to build a five-bay garage with a covered walkway through the building. The application is for

- A setback variance on the west side from 5 feet to two feet
- An area variance to allow a structure covering 67.5% of the required rear yard where the code allows 40%
- An area variance to allow a 1015 square foot structure where 1000 is the overall limit for detached accessory buildings on a property.

Staff recommended approval of the first two and made no recommendation on the third. The property is unique in being the most densely populated in the city. As the property now has five on-site parking spaces, there would be no net loss in off-street parking. The provisions of Section 113-240, while reasonable for a single-family property, preclude more than a two car garage on this multi-family lot.

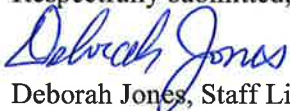
The only speaker was the applicant and property owner, Mr. Doug Lee, resident of New Hope. He explained that shaving 15 square feet off the garage would make the breezeway too narrow for a wheelchair. The parking bays have already been made as narrow as possible in the design. Staff Liaison Jones said that if this information had been known earlier, staff would have recommended approval of the third variance also. There being no other speakers, the Chair closed the hearing

Discussion and Recommendations on the variances at 1496 Larpenteur

Commissioner Watkins began discussion by making a motion to recommend approval of all three variances. None of the commissioners had any comments to make. The motion was approved unanimously

ADJOURNMENT: The meeting was adjourned at 7:30 p.m.

Respectfully submitted,


Deborah Jones, Staff Liaison

ITEM: Proposed Floodplain Ordinance Amendment

SUBMITTED BY: Deborah Jones, Zoning and Planning Director

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

Background:

As part of a recent update of national flood maps, FEMA has been reviewing the communities that have not participated in the national flood insurance program. Falcon Heights has never been a participant in the program because of its location on relatively high ground with respect to local rivers and bodies of water. Residents of Falcon Heights cannot buy flood insurance.

Non participating communities are being encouraged to become part of the program. There are benefits to Falcon Heights residents in making flood insurance available. First, residents of Falcon Heights have expressed an interest in buying flood insurance and have found that they cannot get it because the city does not participate in the program. Second, many lenders and home financing programs now require this insurance. Eligibility for flood insurance will expand the borrowing options for residents and prospective residents.

Therefore, the FEMA has requested that Falcon Heights adopt the necessary code amendment that will allow the city to participate in the national flood insurance program. Because the proposed amendment changes the zoning chapter of the code, the Planning Commission is required to hold a public hearing and make a recommendation to the City Council.

Analysis:

The proposed amendment, prepared by the City Attorney, adds **ARTICLE VIII. FLOODPLAIN REGULATIONS** to Chapter 113 of the City Code. It also adds nine relevant definitions to Section 113-3. This ordinance follows a model successfully used in other cities. There will be no cost to the city in making this change, nor will it change the way things are already done regarding development. There is no indication that Falcon Heights is at more risk for flooding than it was before. However, adoption of this ordinance is a necessary part of the process that will make property owners eligible to purchase flood insurance if they wish to have it or need it to qualify for home financing.

Staff Recommendation:

Staff recommends approval of the proposed ordinance.

Attachments:

- Proposed ordinance
- FEMA handout "Effects Of Non-Participation in the National Flood Insurance Program."
- Published notice of the hearing.

Actions Requested:

- Hold a public hearing on the proposed ordinance
- Vote on a recommendation to the City Council

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 113
OF THE FALCON HEIGHTS CITY CODE
CONCERNING FLOODPLAIN REGULATIONS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 113 of the Falcon Heights City Code is amended by adding the following definitions to Section 113-3:

Development means any man-made change to real estate, including but not limited to construction or reconstruction of buildings, installing manufactured homes or travel trailers, installing utilities, construction of roads or bridges, erection of levees, walls, or fences, drilling, mining, filling, dredging, and storage of materials.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain or Flood Prone Area means any land area susceptible to being inundated by water from any source (see Flood).

Flood-proofing means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities.

New Construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Special Flood Hazard Area means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term “special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

Structure for floodplain management purposes, a walled and roofed building, including gas or liquid storage tanks, that is principally above ground. The term includes recreational vehicles and travel trailers on site for more than 180 days.

Substantial Improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure regardless of the actual work performed. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

SECTION 2. Chapter 113 of the Falcon Heights City Code is amended by adding Article VIII to provide as follows:

ARTICLE VIII. FLOODPLAIN REGULATIONS

Sec. 113-500. Statutory authorization and purpose.

(a) *Statutory Authorization.* The legislature of the State has, in Minnesota Statutes chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

(b) *Statement of Purpose.*

- (1) The City of Falcon Heights wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 44 CFR Part 60.3(a)
- (2) The City of Falcon Heights wishes to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public

expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Sec. 113-501. Warning and disclaimer of disclaimer of liability.

This Article does not imply that areas will be free from flooding or flood damages. This Article shall not create liability on the part of the City or any officer or employee thereof for any flood damages which result from reliance on this Article or any administrative decision lawfully made thereunder.

Sec. 113-502. Permit Requirements.

(a) No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a separate permit for each building or structure from the Zoning Administrator.

(b) No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations, shall be commenced until a separate permit has been obtained from the Zoning Administrator for each change.

© No manufactured home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the Zoning Administrator.

Sec. 113-503. Permit application.

To obtain a permit, the applicant shall first file a permit application on a form furnished for that purpose. The form must be completed and submitted to the Zoning Administrator before the issuance of a permit will be considered.

Sec. 113-504. Duties of the Zoning Administrator.

(a) The Zoning Administrator is appointed as the person responsible for receiving applications and examining the plans and specifications for the proposed construction or development.

(b) After reviewing the application, the Zoning Administrator may require any additional measures which are necessary to meet the minimum requirements of this ordinance.

(c) The Zoning Administrator shall review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Sec. 113-505. Review of permit application.

The Zoning Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

- (1) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- (2) Constructed with materials and utility equipment resistant to flood damage,
- (3) Constructed by methods and practices that minimize flood damage, and
- (4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Sec. 113-506. Subdivisions.

The Zoning Administrator shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (3) Adequate drainage is provided to reduce exposure of flood hazard.

Sec. 113-507. Water supply system.

The Zoning Administrator shall require within flood prone areas, new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems.

Sec. 113-508. Sanitary sewage and water disposal systems.

The Zoning Administrator shall require within flood prone areas:

- (1) New and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and
- (2) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

Sec. 113-509. Annexations and extraterritorial jurisdiction.

The City of Falcon Heights shall not approve any development located in a Special Flood Hazard Area (SFHA) outside the corporate limits unless such development or plat is in the accordance with the floodplain ordinance that meets the minimum federal (44 CFR 60.3), state (Minnesota Regulation Parts 6120.5000 through 6120.6200), and local requirements for development within a Special Flood Hazard area.

SECTION 3. This ordinance shall be effective immediately upon is passage and publication.

ADOPTED this _____ day of _____, 2009, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk



Federal Emergency Management Agency
Region V
536 South Clark Street, 6th Floor
Chicago, IL 60605-1521

EFFECTS OF NON-PARTICIPATION
IN THE
NATIONAL FLOOD INSURANCE PROGRAM

1. Flood insurance will no longer be available. No resident will be able to purchase a flood insurance policy.
2. No Federal grants of loans for buildings may be made in identified flood hazard areas. Includes all Federal agencies such as HUD, EDA, Small Business Administration, HHS, etc.
3. Only limited Federal disaster assistance may be provided in identified flood hazard areas.
4. No Federal Mortgage insurance may be provided in identified flood hazard areas. This includes FHA, VA, Farmers Home, etc.
5. Legislative changes to Flood Disaster Protection Act, (FDPA) lifted restriction on conventional loans in non-participating communities and replaced it with the requirement that lenders:
 - a. must notify buyer or lessee that property is in a flood area: and
 - b. must notify buyer or lessee that property in flood hazard area is not eligible for Federal disaster relief in a declared disaster.
6. Actuarial rates go into effect regardless or whether or not a community participates in the program. Without a local flood plain management ordinance unsafe construction today may be prohibitively expensive, and therefore unsalable, tomorrow. Such a condition could be triggered by a community's reentry in the program at a later date. Examples of reasons for re-establishing eligibility:
 - a. New legislative body or inclination of such a body.
 - b. Larger share of mortgage market through FHA, VA, Farmers Home.
 - c. Federal grant or loan for particular project.
 - d. A major disaster, triggering need for disaster aid.
 - e. Changed political pressures.
7. Local governing body may be susceptible to some form of liability by not participating because their action:
 - (1) denies the ability of its citizens to purchase flood and related water damage insurance, and:
 - (2) does not take positive steps to reduce the exposure of life and property in the face of authoritative scientific and technological data. Up to now, there have been no consistent court rulings along these lines.


CITY OF FALCON HEIGHTS, MINNESOTA

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the Falcon Heights Planning Commission will meet on June 23, 2009, at approximately 7:00 p.m. at Falcon Heights City Hall, 2077 Larpenteur Avenue West, Falcon Heights, Minnesota 55113, to consider amendments to the City's zoning ordinance, Chapter 113 of the City Code, adopting floodplain regulations.

All persons who desire to speak on this issue are encouraged to attend and will be given an opportunity to be heard at this meeting. Additional information can be obtained by contacting the City of Falcon Heights at (651) 644-5050.

Dated: June 9, 2009



Justin Miller, City Administrator/Clerk
City of Falcon Heights, Minnesota