

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

Tuesday, January 26, 2010
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Black___ Gustafson ___ Hasegawa___
 Minns ___ Noble ___ Rodich___
 Wartick ___ Council Liaison Harris ___
 City Administrator Miller___ Staff Liaison Jones ___
 City Attorney ___
- C. AGENDA
 - 1. Introduction of new Commissioners (Staff)
 - 2. Election of Planning Commission Chair and Vice-Chair for 2010
(2009 Vice-Chair Rodich will preside until this point)
 - 3. Annual review of Planning Commission policies and standing rules
- D. APPROVAL OF MINUTES for September 22, 2009
- E. INFORMATION AND ANNOUNCEMENTS
- F. ADJOURN to training and workshop
 - 1. Orientation/review on zoning action procedures (especially variances)
 - 2. Workshop: Review of 2008 Comprehensive Plan to begin planning
the implementation stage.

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.

**City of Falcon Heights
Planning Commission Minutes
September 22, 2009**

PRESENT: Commissioners Black, Gosline, Gustafson, Hasegawa, Noble, Rodich and Watkins, Council Liaison Kuettel, City Attorney Soren Mattick, Staff Liaison Jones.

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

The Planning Commission minutes for August 25, 2009, were approved.

Public Hearing: Comprehensive Plan Amendment, Rezoning and Planned Unit Development for 1871 Larpenteur.

Staff Liaison Jones gave an introduction to the case. The owners of 1871 Larpenteur Avenue, a small property zoned B-1 Neighborhood Commercial, have applied to change the zoning of the property to allow residential use and the building of a three-unit market-rate apartment building. Since this property was considered too small to be a likely site for redevelopment in the city's 2008 comprehensive plan, it remains designated for commercial use in that plan, so in order to allow the rezoning, the comprehensive plan needs to be amended. The redevelopment of the property would be done as a planned unit development, which also needs approval by the Planning Commission and the Council. In order to make the most efficient use of city resources, all three processes (comprehensive plan amendment, rezoning and development plan) are to be addressed in one public hearing this evening.

The Chair opened the public hearing. The first person to come to the podium was William Wakefield, 1708 Lindig, owner of the property directly north of 1871 Larpenteur. His concerns are that there should be screening between his property and 1871 Larpenteur, and also that there should be adequate off-street parking as street parking is limited on Lindig.

The owner of 1871 Larpenteur, David Gordhamer, spoke next and briefly summarized the proposed development, showing large elevation and site plan drawings. The three level (2 above ground), 3 unit apartment building would occupy approximately the same footprint as the existing commercial building. There would also be a four-stall detached garage and an additional 6 on-site parking spaces to the north of the building. The existing parking lot on the south (Larpenteur) side would become green space.

Commissioners Black and Rodich asked for clarification on the building setbacks, particularly on the west side where the proposed building (and existing building) go almost right up to the property line. Jones explained that under the most applicable zoning designation the city presently has (R4) the required setbacks would render the property unbuildable because of its extremely narrow width. This same dilemma was encountered several years ago when a restaurant was proposed for the property and a large number of variances were sought. A planned unit development allows a more individualized plan, which in this case is to fit the new building into the same width as the existing building so it would not be any more intrusive than the existing building.

Council Member Kuettel asked for explanation of the "EIFS" mentioned in the application letter. Mr. Gordhamer said it stands for Exterior Insulation Finishing System, a stucco-like application.

Marilyn Gates, 1865 Larpenteur, asked about the height of the proposed building. Gordhamer said the design is for a 32 foot height to the top of the parapet, a few feet higher than nearby homes.

Commissioner Rodich asked about an accessible route from the building to the public sidewalk. Gordhamer said there is an accessible route from the building to the parking lot. Rodich asked that required accessibility rules be observed.

Rowland Gates, 1865 Larpenteur, asked about the timetable for demolition and construction. Gordhamer said that once approvals were in place it would take 60 to 90 days, but if this went too late into the cold season construction would have to wait until next year. Mr. Gates also expressed concern about parking.

John Zovitz, 1717 Lindig, asked if the building will necessitate additional street improvements and assessments on Lindig. Jones said this project should not initiate any street improvements that would not be paid for by the owner of the property under development (i.e. curb cuts) and therefore no need for assessments on other property owners. She said she had no knowledge of general improvements planned for Lindig Street as it is outside of her department, but they would be on the regular maintenance schedule and not related to the proposed redevelopment.

There being no one else who wished to speak, the Chair closed the public hearing.

Discussion and Recommendations on the zoning actions for 1871 Larpenteur

In response to a request from Commissioner Rodich, Jones elaborated on the process before the Commission this evening. First the Commission must make a recommendation on whether to amend the comprehensive plan to change the land use from neighborhood commercial to multi-family residential. If the Commission recommends that change, then it will consider whether to recommend approval of the rezoning to P.U.D. Then it will address the actual development plan proposed by the owners. So three recommendations are required. City attorney Mattick added that the third phase would be the time to look at questions of setbacks and required parking and other performance standards for the development that jumps out; conversely, if they Commission likes the plan, that can be part of the recommendation. Jones added that, in the opinion of staff, this is a good change and good use of the land if the details can be worked out.

Commissioner Noble brought up the accessibility issue again. Jones said that accessibility requirements would be covered in the permitting phase and every applicable law would be applied.

Gustafson moved, Black seconded, that the Commission recommend approval of the amendment to the comprehensive plan to change use of the land from commercial to multi-family residential. Motion carried unanimously.

Black moved, Gustafson seconded, that the Commission recommend rezoning from B1 to P.U.D. Motion carried unanimously.

Commissioners discussed the specifics of the development plan presented by the applicants. Gustafson pointed out that the parking provided is very generous relative to the parking available on other small multi-family properties in the city. Rodich suggested the possibility of reducing the parking in the plan in order to increase green space. Black expressed concern about the total impervious surface in the proposed plan, with rain gardens in the public right of way. He would prefer to have more of the runoff contained on the property and not in the pedestrian access.

Commissioner Black also asked about the retaining walls on the Larpenteur side shown on the plan and the apparent extension further south than buildings on either side. Rodich pointed out that the retaining walls are below grade, not an extension of the bulk of the building toward the street.

Black also said that including more than 3 parking spaces per unit is a high standard, in his opinion, and the plan could spare one to more green space.

Commissioner Rodich asked about the building entrance being moved away from Larpenteur toward the parking or “back” side of the building, not consistent with other buildings on Larpenteur. Mary Gordhamer, owner of 1871 Larpenteur, said that the entrance was moved to the back in order to allow the residents to enjoy the exposure and the view to the south and west of the building, across the fields. Rodich also expressed some concern about the height of the planned building.

Jones said that the height is not out of line with the 30 foot or 3 story limit in the R4 zone. She also said the city does not require that the entrance of a building be on a particular side and that for a corner lot it would not be out of line to move the entrance to the other street and even change the address to Lindig, which may happen. The city has the authority to authorize that.

Commissioner Watson asked if there was any further discussion and requested a motion. Rodich moved, Black seconded, that the Commission recommend approval of the planned development with the addition of screening on the north side of the property and providing that the number of parking spaces may be reduced to 9 in order to increase green space. Motion carried unanimously.

INFORMATION AND ANNOUNCEMENTS:

Councilmember Kuettel spoke to the question from the hearing about additional street improvements or assessments and said that the general maintenance plan would be followed, that this development would not impact that. She confirmed that there would be no additional assessments.

Ms. Jones invited audience members to come forward after adjournment to take a closer look at the drawings and talk to the property owners, commissioners and staff if they wanted to. She also said that there would be drawings available at city hall on request. She outlined the process going forward. The Commission’s recommendations would go to the City Council for their action. If the Council approves, the City will apply to the Metropolitan Council to amend the comprehensive plan, a process that would take at least 60 days, after which permits would be taken out, so the earliest work could begin would be quite late in the fall. And it would be at that point that the construction timetable submitted by the owners would go into effect.

ADJOURNMENT: The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Deborah Jones, Staff Liaison



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	January 26, 2010
Agenda Item	1
Title	Annual Review of Commission Standing Rules
Submitted By	Deborah Jones, Staff Liaison

Description	Commission standing rules and policies are to be reviewed annually in January.
Background	The attached policies and procedures documents are provided to planning commissioners for reference in support of any work that may come to the commission this year. These documents were extensively reviewed and updated in 2008, with additional corrections in 2009.
Budget Impact	None
Attachment(s)	<ul style="list-style-type: none"> • Falcon Heights Planning Commission Standing Rules, February 26, 2008. • Falcon Heights City Code, Chapter 2 Administration, Section 2-118 Planning Commission • Planning Commission Policies (Title: "B. Planning Commission") from the Falcon Heights Administrative Manual and City Policies • Sikkink's Seven Motion System (corrected 2009)
Action(s) Requested	<p>Staff requests that Commissioners review the standing rules and make any necessary recommendations for amendment. If no changes are recommended, no action is needed at this time.</p> <p>Staff recommends that commissioners add these documents to their code binders or computer files for future reference.</p>

FALCON HEIGHTS PLANNING COMMISSION

PLANNING COMMISSION STANDING RULES

February 26, 2008

INTRODUCTION

In the belief that the best decisions are made by the best informed decision makers and that the public decision process is best served when the public has every opportunity to present views, the following rules are established to govern regular and special commission meetings as well as formal public hearings. There are several goals behind these rules.

1. In general, free and open discussion by all interested parties should be an essential part of the decision making process.
2. The commission process should have as little procedural overhead as possible.
3. Time is better spent on substantial matters rather than proforma matters.

MEMBERSHIP

The formal commission membership consists of seven to nine appointed commissioners. All seven to nine have one vote each and all can introduce motions. For purposes of leading the meeting, the chair, or in the absence of the chair, the vice-chair will be considered the chairperson. In the absence of the chair and vice-chair, the Commission shall name an acting chair for the duration of the meeting.

RULES

Agenda

1. To be considered, an item must be on the agenda and the agenda must be distributed to all the commission members and any other persons having responsibility for an item at least three working days prior to the meeting. Distribution may be made by electronic media, including the city website. An agenda can be modified with addenda by a majority vote but this should be used only for minor items or items with extreme time constraints.
 2. Since there will be audience and possibly cable TV viewers not familiar with each item, the chair, or person appointed by the chair, will give a brief explanation of each item as it is addressed.
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3. The order of items on the agenda need not be followed absolutely. The chair may adjust the order in the interest of:
 - a. Filling in time before a scheduled item, i.e., a public hearing.
 - b. Grouping several items to best make use of consultant time.
 - c. Accommodating individuals who have attended the meeting specifically to provide input on an item.

Process - Regular and Special Planning Commission Meetings

1. For these proceedings the commission will use the 'open discussion' procedure. That is, discussion is open to any member before or after a motion is made. This privilege is also extended to the city planner and any of the consultants who may have an interest in or can contribute to the item at hand.
2. At the discretion of the chair, this privilege is also extended to those members of the audience who wish to provide input. The chair may also rule out of order any input felt to be redundant, superfluous or irrelevant.
3. The chair can make liberal use of the "unanimous consent" procedure. That is, items that in the judgment of the chair are likely to be unanimously approved, can be introduced for approval with the statement "If there are no objections, ... stands approved (or denied)." If any commissioner has an objection, then the item reverts to the standard motion procedure. This "unanimous consent" procedure cannot be used for items requiring formal votes, i.e. resolutions.
4. The standard motion procedure is changed to not require a second. A motion need only be made to be considered. This also applies to amendments.
5. To eliminate confusion, only one amendment will be considered at a time and that amendment must be germane to the motion. An amendment cannot itself be amended. If a change to an amendment is deemed appropriate, the amendment should be withdrawn and reintroduced accordingly.
6. The general mode of voting will be by acclamation but with enough clarity that the individual votes can be recorded in the minutes. If in doubt, the secretary can request a clarification.

7. The meeting will be electronically recorded and the recording will be retained for at least 6 months following approval of the minutes for that meeting and shall, if possible, be made accessible on the city website during that period. The standard retention can be extended if in the judgment of the city planner such action is warranted.

8. If the commission action is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

9. No commission meeting will extend beyond 10:00 P.M. except by unanimous vote. This rule is not subject to the modification or suspension provisions of the Standing Rules.

Process - Public Hearings

Since a public hearing is a more formal procedure and often requires certain procedures and actions to be legal, the meeting rules are changed accordingly.

1. The primary aim of a public hearing is to take input from the public. To accomplish this in the most effective manner the chair will introduce the hearing with an explanation of the issues. This explanation will be given by the chair or a person designated by the chair. The use of explanatory visual aids is encouraged.

2. Following the explanation, input from the public will be taken. Prior to accepting input, though, the chair will state the areas where input will be appropriate, the maximum time to be allotted to any individual presenter and any other procedural rules deemed appropriate to guarantee that all concerned parties have a fair and adequate opportunity to be heard.

3. At the discretion of the chair, all individuals wishing to speak must fill out and submit an identification form and speak into a recording microphone. Individuals not wishing to speak in public may provide a written statement. The commission may take up to 15 minutes to review written statements presented at the meeting. If the commission decides to not act on the issue at the public hearing meeting, it may by majority vote extend the time where written input will be taken to a day no later than 1 week before the next meeting where a deciding vote is planned.

4. All speakers are expected to be business-like, to-the-point and courteous. Anyone not abiding by these rules will be considered out-of-order.

5. The commission will refrain from initiating a discussion during the public input phase of the hearing except to clarify points brought up. These 'point of information' requests should be held to a minimum.

6. Once the public testimony phase is complete the chair will announce the public hearing to be closed and the commission will revert back to its open discussion mode of operation. From this point on, public input will only be appropriate when solicited by the commission.
7. Voting on any motion that results from a public hearing may be by roll call if requested by a commissioner.
8. It shall be the intent of the commission to vote on the issue at the same meeting as the public hearing and as close in time to the public hearing as possible. Should it be necessary to defer voting until a later date, that procedure will be clearly explained to the audience.
9. No public hearing will extend beyond 9:30 p.m.
10. If the motion contains conditions, as may occur in conditional use or variance requests, those conditions will be conveyed in writing to the requestor.
11. If the public hearing is the result of a resident request and that request is denied in whole or in part, reasons of fact supporting the denial will be made part of the public record.

ADOPTION/MODIFICATION/SUSPENSION

These rules with the exception of the mandatory 10:00 P.M. adjournment, can be adopted, modified or suspended in whole or in part by a 3/4 vote of the commission. If suspended, they are automatically reinstated at the next meeting. Should they be suspended or a situation occurs that is not covered by the standing rules, Sikkink's Seven Motion System (attached) will apply.

ANNUAL REVIEW

These rules will be reviewed annually in January.

INTERPRETATION

The chair will interpret the rules. However, the chair's interpretation can be appealed by any commission member and can be overruled by a majority vote.

History

- *Annual review by the Commission on 2/24/09 – No changes*

SIKKINK'S SEVEN MOTION SYSTEM

General Rules for a Simplified System of Parliamentary Procedure

1. The purpose of this decision making system is to allow efficient decision making that represents a majority position. Any motion, request, discussion or proposal, which seems to have as its purpose unreasonable delay, manipulation, or the goal of serving individual ends rather than group ends, can be ruled out of order by the chair. Such a ruling by the chair will be subject to the motion called appeal.
2. Free and open discussions are valued in this decision making system. For that reason, most motions are discussable and the motion to restrict discussion requires a 2/3 vote in order to pass. In recognizing persons for discussion, the chair first recognizes the person who made the motion, next recognizes other persons and always recognizes a person who has not spoken over a person who has already participated in the discussion. As far as possible, the chair should try to alternately recognize persons representing different viewpoints.
3. In examining the chart on the following page, you will note that five of the seven motions are amendable. However, only one amendment at a time may be considered. As soon as that amendment is passed or defeated, another amendment may be proposed.
4. The number in front of the motion listed indicates the rank of each motion. Thus, #1 – General motions are lowest in rank, and #7 – Restrict Debate motions are highest in rank. Two rules apply:
 - (1) You usually cannot consider two motions of the same rank at the same time, and
 - (2) If a motion of one rank is being considered, a motion of the same rank or lower rank is usually out of order, but a motion of higher rank is in order.

~~While these rules generally apply, the chair may allow some flexibility in certain~~ circumstances. These situations almost always occur with motions #5, 6 and 7. For example, if #7 - "Restrict Discussion" is being discussed and a member wants a secret ballot vote on the matter, Request, while lower in rank, could be used to accomplish this purpose. The chair is allowed to make all decisions on exceptions, but all such decisions are subject to appeal.

Important Note: The previous page and the chart below are taken verbatim from the existing Administrative Manual of the City of Falcon Heights, now in revision. Please note that in the chart, the motions were put in order of rank from highest (#7) to lowest (#1).

Type of Motion/Rank	Purpose	Applies To What Situations	Needs Recognition	Needs Second	Can Be Discussed	Amendable	Vote Required
7. Restrict Discussion (highest rank)	To stop or limit discussion	All discussable motions	Yes	Yes	Yes	Yes	2/3
6. Appeal	To let the group vote on a chair's decision	To decision of the chairperson	No	Yes	Yes	No	Majority
5. Request	Not a motion but a way to question, challenge, or seek help	Any appropriate situation	No	No	No	No	Chair decides subject to appeal
4. Postpone	To delay action on any general motion to a future time	General motions	Yes	Yes	Yes	Yes	Majority
3. Refer	To have a general motion studied by a committee	General motions	Yes	Yes	Yes	Yes	Majority
2. Meeting Termination	To recess during a meeting or to end a meeting	Made to recess or adjourn	Yes	Yes	Yes	Yes	Majority
1. General (lowest rank)	To bring up business for majority decisions by the group	For doing business	Yes	Yes	Yes	Yes	Majority

Falcon Heights City Code
Sec. 2-118. Planning commission.

- (a) The commission shall be the city planning agency authorized by Minn. Stats. § 462.354, subd. 1.
- (b) The duties of the planning commission are:
 - (1) To guide future development of land, services, and facilities;
 - (2) To ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and
 - (3) To promote the public health, safety, and general welfare of the community.
- (c) These duties are to be carried out by:
 - (1) Establishing community objectives and policy;
 - (2) Making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.;
 - (3) Reviewing and making recommendations on all matters relating to or affecting the physical development of the city.

(Code 1993, § 2-4.05; Ord. No. 98-02, § 3, 4-8-1998)

**City of Falcon Heights
Administrative Manual and City Policies
Section II: Commissions**

B. PLANNING COMMISSION

1. Purpose. The commission shall be the city planning agency authorized by Minnesota Statutes, Section 462.354, Subd. 1, which includes guiding future development of land, services, and facilities to ensure a safe, pleasant and economical environment for residential, commercial, and public activities; and to promote the public health, safety, and general welfare of the community by:
 - a. establishing community objectives and policy;
 - b. making recommendations to the council regarding petitions and applications for rezoning, special use permits, etc.
 - c. reviewing and making recommendations on all matters relating to or affecting the physical development of the city.
2. Composition & Qualifications. The commission shall consist of not less than seven nor more than nine members to be appointed by the mayor and approved by the council as follows:
 - a. Members of the commission shall be appointed according to their ability to contribute to and perform the functions, powers and duties imposed upon the commission.
 - b. Members of the commission shall be eligible voters residing within the city.
3. Terms, Vacancies, Oaths. The term of office of all commission members shall be three years. Except for appointments to fill a vacancy, an appointment in any year shall be deemed effective as of January 1 of such year for purposes of computing the term. No member shall serve more than two consecutive three year terms or more than eight consecutive years on the Planning Commission and until an existing term of office expires.

Members shall hold office until their successors are appointed. All members shall serve without compensation, but may be reimbursed for expenses as authorized and approved by the city council.

4. Removal. Commission members shall be subject to removal for cause, by a four-fifths vote of the city council. Failure to attend meetings regularly shall be one basis for removal.
 5. Organization, Officers. Each commission shall elect a chairperson from among its appointed members for a term of one year. The commissions may create and fill such other offices as determined necessary.
 6. Meetings, Records, Reports. The commissions shall hold scheduled meetings, not less than one per calendar quarter. They shall adopt rules for the transaction of business and shall keep written public records of resolutions, recommendations and findings. On or before February 15 of each year, the commissions shall submit to the council work reports for the preceding calendar year.
 7. Commission's Duties. In fulfillment of its purpose the commission's duties and responsibilities shall be to:
 - a. exercise duties given planning agencies by law and any duties conferred upon it by the zoning code and by the city council.
 - b. periodically, but at least once every two (2) years, review the comprehensive plan, any additions or amendments, and any capital improvement program the council has adopted to implement the plan; and if deemed necessary, revise the comprehensive plan, adopt the amendments or the new comprehensive plan, amend the capital improvement program, and make recommendations to council.
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REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	January 26, 2010
Agenda Item	Workshop 1
Title	Review of Variance Procedures (Workshop)
Submitted By	Deb Jones, Staff Liaison

Description	Orientation for new commissioners and review for continuing commissioners on Commission actions that require a public hearing, especially variances.
Background	<p>The Planning Commission provides formal recommendations to the City Council on certain zoning matters and cases, including amendments to the zoning code, zoning changes, amendments to the Comprehensive Plan and variances.</p> <p>The procedures for all of these actions follow a similar pattern: (1) published notice of a public hearing, (2) public hearing before the Planning Commission, (3) Planning Commission vote on a recommendation, (4) City Council action.</p>
Budget Impact	None
Attachment(s)	<ul style="list-style-type: none"> • City of Falcon Heights Procedure for Obtaining a Variance • Instructions for Applicants Requesting a Variance • Copy of the zoning application form
Action(s) Requested	<p>None.</p> <p>Staff will conduct a brief review/training for commissioners on variance procedures. It is recommended that commissioners keep the attached documents for future reference.</p>



CITY OF FALCON HEIGHTS
PROCEDURE FOR OBTAINING A VARIANCE

1. Property owner inquires about a construction project.
2. Staff provides information on the setbacks and other relevant information from the zoning code.
3. Property owner prepares a site plan with the proposed improvements.
4. Building Official and Planner review the site plan and help the property owner avoid a variance request if there is a reasonable solution without the request. Staff will work with property owners to avoid having variance requests submitted that do not meet the required criteria for granting a variance.
5. If no solution is found, or if the property owner feels that a variance is the only amenable solution to him/her, the property owner submits a written request for a variance, completes the variance application form, submits a site plan and other requested information, and pays a non-refundable \$100.00 application fee.
6. If more than one variance is sought for a project, all may be included in the same request but \$100.00 is due for **each** additional variance being requested.
7. Applications must be complete and paid at least 21 calendar days before the scheduled meeting of the Planning Commission in order for the variance hearing to be placed on the agenda and to allow for the required notifications and publication.
8. A public hearing before the Planning Commission is scheduled, and a legal notice of the hearing is posted and sent to the City's official newspaper.
9. Abutting property owners are notified by the city in writing of the variance request and public hearing, and comments are requested prior to or at the planning commission meeting.

10. The planning commission holds the public hearing, reviews the request and recommends approval or denial using staff information, and the criteria for approving a variance.
11. Under most cases, it is important for the applicant to be present at the planning commission meeting.
12. The city council approves or denies the variance request, considering the staff information, the criteria for approving a variance, and the planning commission's recommendation.
13. If the variance is approved, the applicant or his/her contractor must apply for a building permit and work must commence within one year of the date on which the variance was approved. Otherwise, the variance becomes void.

INSTRUCTION FOR APPLICANTS REQUESTING A VARIANCE

PURPOSE

The purpose of granting a "Variance" is to provide relief from the strict application of the provisions of the zoning code in **cases where such strict application would cause undue hardship**. Variances are intended to allow some relaxation in the application of the performance standards controlling such items as lot area, building location, height, and setback. They are not intended to either establish or enlarge a use which is not already permitted within the zoning district.

CRITERIA

In order to grant a variance, the city shall consider the evidence presented to it by the applicant and must determine that the request does not violate the following criteria:

- a. The granting of the variance will not be detrimental to the public health, safety, or welfare;
- b. the conditions upon which the variance is based are unique to the property for which it is sought and are not generally applicable;
- c. the conditions which create the need for the variance are due to the particular shape, topography, or other natural characteristics of the land and are not due to actions taken by the applicant;
- d. the variance will not in any way adversely affect the purpose and the intent of the city's comprehensive guide plan or zoning code.

Additional standards are listed in Section 113-62 of the city's zoning code.

PROCEDURE

Applicant Responsibility

1. The applicant should become familiar with the provisions set forth in Section 113-62 in the zoning code of the City of Falcon Heights.
2. The applicant will meet with the city staff to discuss his/her request. For this meeting, the applicant must prepare a site sketch plan showing the proposed change and including all relevant dimensions. Staff will work with property owners to avoid having variance requests submitted that do not meet the required criteria for granting a variance.
3. If no solution is found or if the property owner feels that a variance is the only amenable solution to him/her, then the owner/applicant must obtain the following information from staff:
 - a. An application form entitled "City of Falcon Heights Planning Application".
 - b. Instruction sheet entitled "Procedure for Obtaining a Variance".
4. The applicant submits one signed copy of the application to the city at least 21 calendar days prior to the date of the planning commission meeting at which time the applicant wishes his/her request considered. The application shall be accompanied by a non-refundable fee of \$100.00 per variance and the following supportive documents:

- a. A location map of appropriate scale to show the site and surrounding vicinity and clearly indicate nearby street patterns, property lines, zoning boundaries, and other significant features that will have an impact on the variance being requested.
 - b. A sketch plan showing all pertinent dimensions having an influence upon the variance request.
 - c. A brief statement describing why the variance is being requested.
 - d. The names and addresses of the owners of all abutting properties and any other properties impacted by the applicant's request. These property owners will be notified of the applicant's request for a variance, and the date and time of the planning commission meeting at which the applicants request will be considered. (Available in Ramsey County Courthouse, Room 138, Taxation). The City may waive this requirement if the information is readily available through City data resources.
 - e. If topography or extreme grade is the basis on which the request is made, a topographic map showing all existing and proposed contours, at intervals of no greater than two feet, shall be submitted.
 - f. If the application involves such alteration to the site as to require the review of a certified engineer, the review must be made prior to the submission and the engineer's comments or recommendations must be included with the application. An example of such an alteration would be the relocation of an access drive which may result in either traffic movement conflicts, or may require the city to move a utility line or catch basin.
5. The Applicant should plan to attend to attend the public hearing on the variance and should remain in communication with staff to monitor the status of the application.
 6. If the variance is approved, a building permit must be obtained from the City before work may begin. Work must commence within one year after the variance is approved or the variance becomes void.

City Procedure

1. Staff will review the application and determine whether it is valid and complete, including confirmation of the applicant's standing to submit a zoning application on the property.
2. If the application is valid and complete and the fees are paid, the application will be accepted and the public hearing before the Planning Commission will be scheduled such that final action by the Council can be completed within 60 days of the application's acceptance. If more time is required, the City may take 120 days, provided notice is given to the applicant.
3. Legal notice of the variance hearing will be posted at City Hall and in the City's official newspaper. Notice will also be mailed to all owners of property within 350 feet.
4. After the public hearing the Planning Commission makes a recommendation for approval or denial to the City Council, which votes final approval or denial. Council action generally takes place within 30 days of the Planning Commission recommendation.



City of Falcon Heights Planning Application

Action Requested By:

Name of Property Owner _____

Phone (h) _____ (w) _____

Address of Property Owner _____

Name of Applicant (if different) _____

Address _____ Phone _____

Property Involved:

Address _____

Legal Description _____

Property Identification Number (PIN) _____

Present Use of Property (check one): Single Family Dwelling Duplex/Two Family Dwelling Multi Family Complex Business/Commercial Government/Institutional Vacant Land**Action Requested (NON-REFUNDABLE):** Variance (\$150.00) Conditional Use Permit (\$165.00) Rezoning (\$500.00) Lot Split (\$250.00) Site Plan Review (\$100.00) Other (Please Specify)
_____**Brief Summary of Request (applicant may submit letter to Planning Commission with details of request):**

I certify that all statements on this application are true and correct:_____
Signature of Property Owner (required)_____
Signature of Applicant (if applicable)



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	January 26, 2010
Agenda Item	Workshop 2
Title	Comprehensive Plan Implementation Workshop
Submitted By	Deb Jones, Staff Liaison

Description	Preparation for the process of updating the zoning code and district map to provide the official controls called for in the new Falcon Heights Comprehensive Plan
Background	In 2009, the City of Falcon Heights officially adopted a new Comprehensive Plan, as required by Minnesota statute. The plan calls for a number of changes to the City's zoning code and land use map. In 2010 the City will take the first steps toward implementation of the new plan by reviewing and updating ordinances. Changes to land use and zoning ordinances require public hearings, Planning Commission recommendations and Council action.
Budget Impact	None at this stage
Attachment(s)	<p>Working Documents</p> <ul style="list-style-type: none"> • Comprehensive Plan pages 113-114 - Implementation Sections 1, 2, 3 • City Map • District purpose statements - existing City Code • Residential district ordinances - existing City Code • Residential district ordinances - pre-2006 City Code <p>* Commissioners will also need their copies of the 2008 Comprehensive Plan and the Chapter 113 (Zoning) of the City Code for this and future workshops.</p>
Action(s) Requested	<ul style="list-style-type: none"> • Review the 2008 Comprehensive Plan, especially the following <ul style="list-style-type: none"> ○ Chapter 1: Background <ul style="list-style-type: none"> ▪ Vision, Values and Objectives, pages 3 - 5 ▪ Forecasts for population, households and employment changes in Falcon Heights, pages 13 - 15 ○ Chapter II: Land Use and Housing, pages 20 - 52 ○ Chapter VII: Implementation, Sections 1 - 3, pages 113 - 114 • Discuss action steps and resources needed to proceed on implementation.

VII. IMPLEMENTATION

1. LAND USE

In pursuit of the goals and vision outlined in this plan the City will need to take the following actions:

1. Conduct a detailed corridor study of the Larpenteur and Snelling Avenue corridors in Falcon Heights. The University of Minnesota has developed useful tools for enlisting public participation in this process and providing public education about what is economically feasible. It is recommended that

this study be done before any major redevelopment project is undertaken along Larpenteur.

2. Use corridor study findings to define the extent of new special development districts or overlays in anticipation of redevelopment to meet forecast housing and business needs over the lifetime of this plan.

2. ZONING AND SUBDIVISION ORDINANCES

The City will need to make a number of adjustments to the zoning and subdivision ordinances to bring the chapters into conformance with this Comprehensive plan. With a few potential exceptions noted below, the City expects to complete this process by the end of 2009. At a minimum the following ordinance amendments will be required:

1. Extend exclusively public designation to all public/institutional lands, eliminating dual zoning.
2. Create a new multi-use zoning designation for the Larpenteur corridor areas that have been identified as candidates for multi-use redevelopment by 2030. (2009-2010)
3. Restore the R-3 Medium Density Residential District to the zoning ordinance to accommodate town-home development

where lot sizes are too small to accommodate high density redevelopment.

4. Revise the R-4 zoning designation to more accurately characterize the multi-family housing existing in the city, to update design standards and to guide redevelopment of existing R-4 sites.
5. Revise off-street parking requirements for commercial and multi-family properties to provide for a safer, more attractive and pedestrian-friendly environment; also, to reduce the amount of impervious surface on private property. (2009-2010)
6. Re-examine and revise the purpose statements for all districts
7. Revise the Zoning Map to reflect new districts.

3. HOUSING

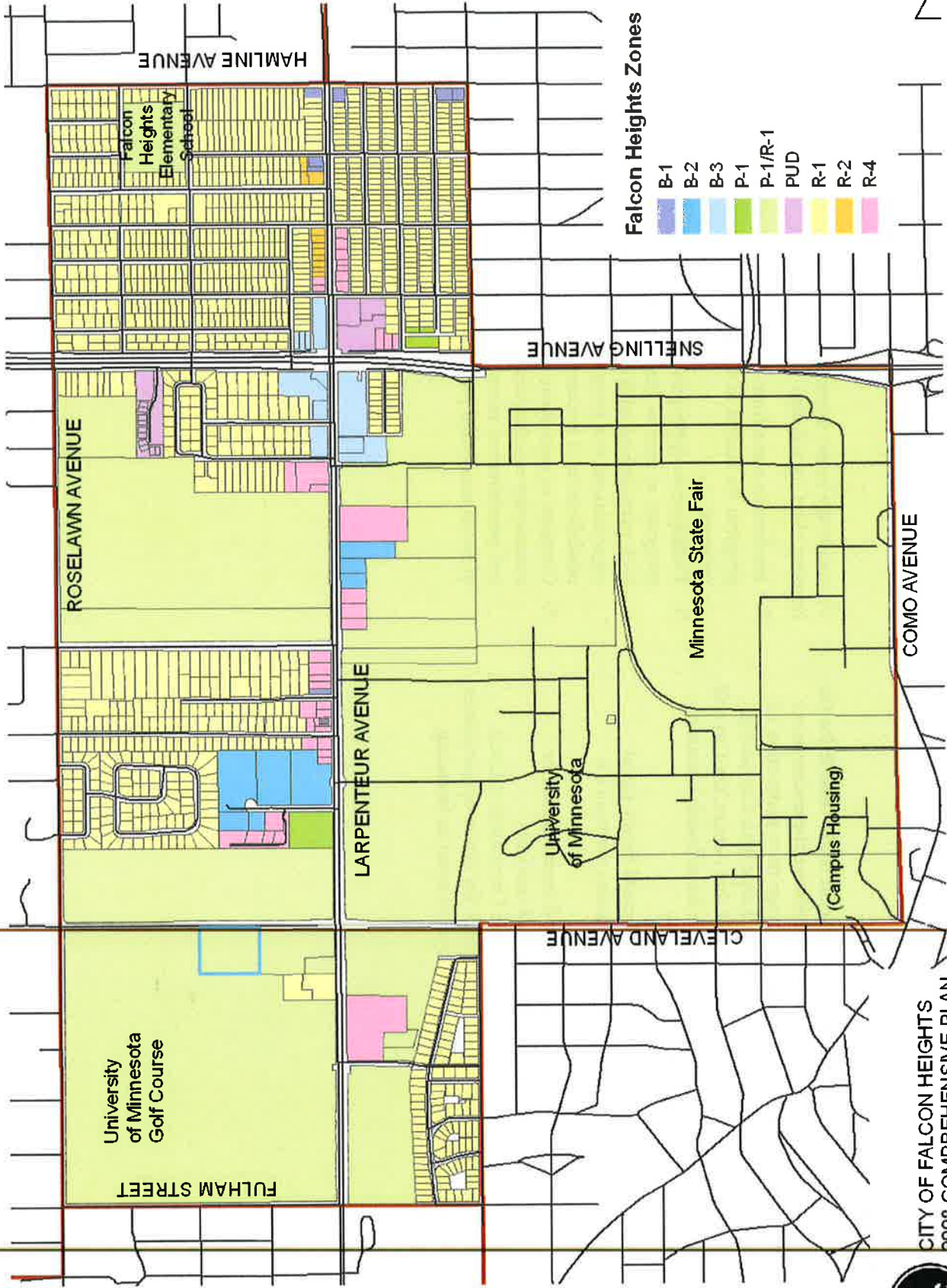
Since the City has virtually no private vacant land available for the development of new housing, it will emphasize the maintenance of the existing housing stock and encourage the construction of additional higher density housing in the Larpeur Corridor if opportunities for redevelopment arise. If that occurs, the City will make every effort to satisfy unmet needs for affordable housing. Measures that will be considered include:

1. Provision that at least 10 percent of multi-family rental projects be affordable housing, if housing assistance is available.
2. Continuation of support for Section 8 rental assistance vouchers for low and modest income residents.
3. Continue participation in the Livable Communities Local Housing Incentive Program and look for future opportunities to employ this and similar programs to assist in financing affordable housing.

To encourage home ownership and rehabilitate affordable housing, the City will also

4. Implement some form of licensing and safety inspection program for rentals in single-family homes, duplexes and triplexes.
5. Participate as appropriate in Federal and State housing programs as may be made available
6. Seek partnerships with non-profit community land trust organizations that promote affordable home-ownership and rehabilitation of housing.
7. Continue to participate in partnerships with non-profit community organizations which provide home maintenance and rehabilitation resources to both home-owners and owners of rental residential properties.

City of Falcon Heights Zoning 2006



CITY OF FALCON HEIGHTS
2008 COMPREHENSIVE PLAN

FIGURE 6

Statements of Purpose for Non-Residential Districts – 2007 City Code

Sec. 113-177. B-1 neighborhood convenience district.

...

(b) *Purpose and intent.* The purpose of the neighborhood convenience business district is to provide for small-scale consumer goods stores and limited service establishments which deal directly with the customer by whom the goods and services are consumed. The maximum business size limit is 5,000 square feet. Some business areas may be further restricted by zoning regulations to avoid adverse impacts on residential neighborhoods. The district is primarily intended to serve the surrounding neighborhood rather than the entire community. It is designed to be accessible to retail customers from the nearby neighborhoods, to be compatible with the character of the neighborhoods, and to minimize the blighting influence on surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

Sec. 113-178. B-2 limited business district.

...

(b) *Purpose and intent.* The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

...

Sec. 113-179. B-3 Snelling and Larpenteur community business district.

...

(b) *Purpose and intent.*

- (1) The district applies only to the northeast, northwest, and southwest quadrants of the Larpenteur and Snelling intersection. The district is designed to provide retail sales and services that serve the surrounding neighborhoods' and community's needs. Retail sales and services that serve a larger geographic area are available in larger, nearby business districts in adjacent cities. By limiting and controlling the uses that are permitted, the district is designed to be accessible to retail customers from the nearby neighborhoods and the community, to be compatible with the character of the neighborhoods and overall community, and to minimize the blighting influence on the surrounding residential neighborhoods.
- (2) Furthermore, the district provides for and encourages compact centers for

retail sales and services by grouping businesses into patterns of workable relationships that complement each other. The district is designed to be easily accessible to users. It excludes highway oriented and other high traffic volume businesses that would tend to disrupt the cohesiveness of the shopping center or its circulation patterns and shared parking arrangements.

...

Sec. 113-180. Public land (P-1).

...

(b) *Generally.* All public (city, state, school district, state fair, University of Minnesota, and other) land owned and operated for public purposes is zoned for what may be the most appropriate private use should the land be sold, leased, or otherwise transferred from public ownership and/or use.

...

ARTICLE V.

PLANNED UNIT DEVELOPMENT (PUD)

Sec. 113-199. Purpose.

The planned unit development district is intended to permit flexibility of site design, the conservation of land and open space through clustering of buildings and activities, and an incentive to developers to plan creatively by providing density bonuses. This flexibility can be achieved by allowing deviations from standards including setbacks, heights and similar regulations. PUDs are characterized by central management, integrated planning and architecture, joint or common use of parking, open space and other facilities, and a harmonious selection and efficient distribution of uses.
(Code 1993, § 9-16.01)

Sec. 113-200. Required use.

PUD zoning is required for all developments having two or more principal uses or structures on a single parcel of land and may include townhouses, apartment projects involving more than one building, residential subdivisions, multi-use structures such as an apartment building with retail at ground floor level, commercial developments, mixed residential and commercial developments, and similar projects.
(Code 1993, § 9-16.02)

Sec. 113-174. One-family R-1 residential district.

- (a) *Scope.* The provisions of this section apply to the R-1 one-family residential district.
- (b) *Permitted Uses.* Within any R-1 one-family residential district, no structure or land shall be used except for one or more of the following uses: one-family detached dwellings.
- (c) *Conditional Uses.* Within any R-1 one-family residential district, no structure or land shall be used for the following uses except by conditional use permit:
 - (1) Public parks and playgrounds.
 - (2) Schools, provided no buildings shall be located within 50 feet of any lot line of an abutting lot in an R use district. Any fence erected around a play area shall be not less than 15 feet from a street line when said fence would be across the street from an R use district.
 - (3) Municipal buildings and structures, excluding storage of maintenance equipment and trucks over 1 1/2 tons, stockpiling of aggregate and open storage of material, but including firefighting apparatus, provided these shall not be located within 30 feet of any lot line of an abutting lot in an R use district.
 - (4) Essential service structures, provided no building shall be located within 50 feet from any lot line of an abutting lot in an R use district. The architectural design of service structures should be compatible to the neighborhood in which they are to be located.
 - (5) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family.
 - (6) Off-street parking: when the proposed site of the off-street parking abuts on a lot which is in a B district and subject to those conditions set forth in article VI, division 2, subdivision II, and such other conditions as found necessary by the council to carry out the intent of this chapter. However, such off-street parking shall be permitted as a conditional use in any R-1 one-family use district for church parking purposes.
 - (7) Room and/or board for up to four persons.
 - (8) Home occupations not meeting the definitions and requirements of section 113-391.
- (d) *Permitted accessory uses.* No accessory structures or use of land shall be permitted except for one or more of the following uses:
 - (1) Home occupations meeting the definitions and requirements of section 113-391.
 - (2) Private tennis courts, provided no portion of the paved or fenced area is within a required front yard or less than ten feet from a property line.
 - (3) One private garage or carport and parking space as regulated in section 113-240.
 - (4) Private automobile repair or reconditioning as regulated in section 113-250.
 - (5) Gardening and other horticultural uses where no retail sale of products is conducted on the premises.
 - (6) Keeping of domestic pets as required in the Code.
 - (7) Signs as provided in subsection (g) of this section.

- (8) Decorative landscape features and fences as regulated herein.
 - (9) Accessory buildings other than detached private garages as regulated herein. The design and placement of the accessory buildings must be approved by the planner as being in harmony with the surrounding residential neighborhood.
 - (10) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed the time necessary for such construction (approved by zoning administrator).
 - (11) One compost area, or one compost structure as defined in section 113-240(l), of leaves, grass clippings, and plant trimmings (not including fruits and vegetables) not to cover more than 25 square feet in area and five feet in height in the rear yard. A larger composting area requires a permitted accessory use permit. The compost shall be maintained according to accepted composting practices for the residential yard.
 - (12) Garage and residential boutique sales limited to four sales each calendar year per residential unit, not to exceed ten consecutive days or two consecutive weekends each.
- (e) *Lot area, height, lot width and yard requirements.*
- (1) No structure or building shall exceed two stories or 25 feet in height aboveground level, whichever is lesser in height, except as provided in section 113-243.
 - (2) A side yard abutting a street shall be at least 20 percent of the width of the lot.
 - (3) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section and section 113-241.

TABLE INSET:

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
10,000 sq. ft.	75 feet interior lot, 90 feet corner	30 feet	5 feet	30 feet

Flexibility may be provided by allowing the side yard to be decreased to a minimum of three feet if a maintenance easement is recorded on the deeds of all affected properties. (No fences or significant landscaping could be installed in the easement areas).

- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
- (g) *Signs.* As provided in section 113-449.
- (h) *Swimming pools.* As permitted in section 113-382.

(Code 1993, § 9-4.01; Ord. No. 0-89-12, 7-26-1989; Ord. No. 0-89-16, 11-8-1989; Ord. No. 0-91-2, 1-23-1991; Ord. No. 0-91-13, § 2, 11-27-1991; Ord. No. 0-99-09, § 3, 12-15-1999; Ord. No. 00-01, 6-3-2000)

Sec. 113-175. One- and two-family R-2 residential district.

- (a) *Scope.* The provisions of this section apply to the R-2 one- and two-family residential district.
- (b) *Permitted uses.* No structure or land shall be used except for one or more of the following uses:
 - (1) One- or two-family detached dwellings.

- (2) All permitted uses in the R-1 district.
- (c) *Conditional uses.* Conditional uses shall be as permitted in the R-1 district.
- (d) *Permitted accessory uses.* No accessory structures or use of land shall be permitted except for one or more of the following uses: all accessory uses as permitted in the R-1 district.
- (e) *Lot area, height, lot width and yard requirements.* The following minimum requirements shall be observed subject to any additional requirements, exceptions or modifications as set forth herein:
 - (1) One-family building as required in the R-1 district.
 - (2) Two-family building as required for a one-family building except that any building with two families shall have a minimum lot area of 12,500 square feet.
- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
- (g) *Signs.* As provided in section 113-449.
- (h) *Swimming pools.* As permitted in section 113-382.
- (i) *Permitted encroachments on required yards.* As permitted in the R-1 district.

(Code 1993, § 9-5.01; Ord. No. 0-93-07, § 6, 7-28-1993)

Sec. 113-176. R-4 medium density multiple-family residential district-apartment buildings.

- (a) *Scope.* The provisions of this section apply to the R-4 medium density multiple-family residential district.
- (b) *Permitted uses.* All permitted uses in the R-2 district.
- (c) *Conditional uses.* No structure or land shall be used for the following uses except by conditional use permit, except that multifamily dwellings shall not exceed 12 per acre:
 - (1) Any conditional use permitted in the R-1 and R-2 districts.
 - (2) Conversion or enlargement of existing homes to accommodate one-, two-, three- or four-dwelling units.
 - (3) Large group homes as defined in this chapter.
 - (4) Townhouses. See performance standards as permitted in article VI, division 3 of this chapter.
 - (5) Buildings containing two or more dwelling units not exceeding 12 dwelling units per acre.
- (d) *Permitted accessory uses.* The following uses shall be permitted accessory uses:
 - (1) All accessory uses as permitted in the R-1, R-2 districts.
 - (2) Conversion or enlargement as required by terms of a conditional use permit.
- (e) *Lot area, height, lot width and yard requirements.*
 - (1) See performance standards as permitted in article VI, division 3 of this chapter (or as required by conditional use permit).
 - (2) No structure or building shall exceed three stories, or 30 feet, whichever is lesser in height, except as provided in section 113-243.

- (3) A side yard abutting on a street shall not be less than 30 feet in width, and when a side yard of a multiple-family structure abuts a single family residence, the side yard shall not be less than 20 feet.
- (4) The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 113-241.

TABLE INSET:

Lot Area*	Lot Width	Front Yard	Side Yard	Rear Yard
12,500 sq. ft.	90 feet	30 feet	10 feet or 1/2 the height of the building, whichever is greater	30 feet

*Lot area for single-family residence may be reduced to 10,000 square feet.

- (f) *Off-street parking and loading.* As provided in article VI, division 2 of this chapter.
 - (g) *Signs.* As provided in section 113-449.
 - (h) *Swimming pools.* As permitted by the R-1 district.
- (Code 1993, § 9-7.01; Ord. No. 0-93-07, § 7, 7-28-1993)

Part 5. "R-2" ONE & TWO FAMILY RESIDENTIAL DISTRICTS

9-5.01 One and Two Family "R-2"

Subdivision 1. Permitted Uses. No structure or land shall be used except for one or more of the following uses:

- a. One or two family detached dwellings.
- b. All permitted uses in the "R-1" district.

Subdivision 2. Conditional Uses. No structure or land shall be used for the following uses except by conditional use permit as permitted in the "R-1" district.

Subdivision 3. Permitted Accessory Uses. No accessory structures or use of land shall be permitted except for one or more of the following uses:

- a. All accessory uses as permitted in the "R-1" district.

Subdivision 4. Lot Area, Height, Lot Width and Yard Requirements. The following minimum requirements shall be observed subject to any additional requirements, exceptions or modifications as set forth herein.

- a. 1-Family building As required in the "R-1" District.
- b. 2-Family building As required for a 1-family building except that any building with two families shall have a minimum lot area of 12,500 square feet.

Subdivision 5. Off-Street Parking and Loading. As permitted in the "R-1" district.

Subdivision 6. Signs. As permitted in the "R-1" district.

Subdivision 7. Swimming Pools. As permitted in 9-14.01, Subd. 15.

Subdivision 8. Permitted Encroachments on Required Yards. As permitted in the "R-1" district.

Revised 9/2/93

PART 6. "R-3" LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT-TOWNHOUSES

9-6.01 "R-3, Multiple Family."

Subdivision 1. Permitted Uses. No structure or land shall be used except for one or more of the following uses:

- a. Any permitted use as permitted in the "R-1" and "R-2" district and as regulated therein.

Subdivision 2. Conditional Uses. No structure or land shall be used for the following uses except by conditional use permit:

- a. Any conditional use permitted in the "R-1" and "R-2" Districts except that Town House dwelling unit density shall not exceed eight (8) units per acre.
- b. Conversion or enlargement of existing homes to accommodate 1, 2, 3 or 4 dwelling units.

Subdivision 3. Permitted Accessory Uses. The following uses shall be permitted accessory uses:

- a. All accessory uses as permitted in the "R-1", "R-2" Districts.
- b. Conversion or Enlargement as required by terms of a conditional use permit.
- c. Town houses (not exceeding 8 dwelling units per acre). See performance standards as permitted in Section 9-14.01.

Subdivision 4. Off-Street Parking and Loading.

a. Regulation of off-street parking and loading spaces in this Code is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading from motor vehicles in accordance with the utilization of the various parcels of land and structures.

b. Permits prior to effective date - structures or uses for which a building permit has been issued prior to the effective date of this Code but for which work has not been completed shall be exempt from the hereinafter stated parking requirements if the structure is completed within six (6) months after the effected date of this Code.

c. Surfacing and Drainage. Off-street parking areas shall be improved with a durable and dustless paved surface consisting of asphalt, concrete, or a reasonable substitute surface as approved by the city engineer and capable

of carrying a minimum 5 ton axle load. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the Zoning Administrator.

d. Location. All accessory off-street parking facilities required herein shall be located as follows:

1. Spaces accessory to multiple family dwellings on the same lot as the principal use served and within two hundred (200) feet of the main entrance to the principal building served. Parking as required by the Building Code for the handicapped shall be provided.
2. Off-street parking spaces shall not be located on or project into a street or alley right-of-way.
3. No driveway or off-street open parking area shall be located closer than five (5) feet from an adjacent lot zoned or used for residential purposes.
4. Off-street parking space shall not be located within any required front or side yard setback.

e. Parking spaces. Each parking space shall not be less than nine (9) feet wide or twenty (20) feet in length exclusive of an adequately designed system of access drives.

Subdivision 5. Lot Area, Height, Lot Width and Yard Requirements.

- a. No structure or building shall exceed three (3) stories, or thirty (30) feet, whichever is lesser in height, except as provided in section 9-2 of this ordinance.
- b. A side yard abutting on a street shall not be less than thirty (30) feet in width, and when a side yard of a multiple family structure abuts a single family residence, the side yard shall not be less than twenty (20) feet.
- c. The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 9-2.

<u>Dwelling</u>	<u>Lot Area</u>	<u>Lot Width</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1 bedroom unit	12,500 sq.ft.	90'	30'	10' or 1/2 the height of the building, whichever is greater	30'
2 bedroom unit	12,500 sq.ft.	90'	30'	10' or 1/2 the height of the building, whichever is greater	30'

*Lot area for single family residence may be reduced to 10,000 square feet.

Subdivision 6. Signs. As permitted in the "R-1" district.

Subdivision 7. Swimming Pools. As permitted in the "R-1" district.

PART 7. "R-4" MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT-APARTMENT BUILDINGS

9-7.01 "R-4" Medium Density

Subdivision 1. Permitted Uses. None. All uses are conditional, as per below.

Subdivision 2. Conditional Use. Any conditional use as permitted in the "R-3" district except that multi-family dwellings shall not exceed twelve (12) per acre.

Subdivision 3. Permitted Accessory Uses. Any permitted accessory use as permitted in the "R-3" district.

Subdivision 4. Lot Area, Height, Lot Width and Yard Requirements.

- a. Buildings containing two (2) or more dwelling units not exceeding twelve (12) dwelling units per acre.
- b. See Performance Standards as permitted in Section 9-14.01 (or as required by conditional use permit).
- c. All requirements of the R-3 District shall also be required in this section.
Revised 9/2/93

Subdivision 5. Off-Street Parking and Loading.

- a. Regulation of off-street parking and loading spaces in this Code is to alleviate or prevent congestion of the public right-of-way and to promote the safety and general welfare of the public by establishing minimum requirements for off-street parking, loading and unloading from motor vehicles in accordance with the utilization of the various parcels of land and structures.
- b. Permits prior to effective date - structures or uses for which a building permit has been issued prior to the effective date of this Code, but for which work has not been completed shall be exempt from the hereinafter stated parking requirements if the structure is completed within six (6) months after the effected date of this Code.
- c. **Surfacing and Drainage.** Off-street parking areas shall be improved with adurable and dustless paved surface consisting of asphalt, concrete, or a reasonable substitute surface as approved by the City engineer and capable of carrying a minimum 5 ton axle load. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the parking area. All surfacing must be completed prior to occupancy of the structure unless other arrangements have been made with the Zoning Administrator.

d. Location. All accessory off street parking facilities required herein shall be the same as in an "R-3" district.

e. Parking spaces. Each parking space shall not be less than nine (9) feet wide and twenty (20) feet in length exclusive of an adequately designed system of access drives. Parking lots that separate vehicles based on size may be designed with parking spaces less than or greater than nine (9) feet wide and twenty (20) feet in length depending upon the size of the vehicle as long as adequate space is provided for easy and safe ingress and egress for the vehicle. Proposed reductions in or additions to the parking space size must be submitted in a dimensioned site plan with size of vehicle to use parking spaces indicated to the Zoning Administrator for review and approval. Signs specifying the vehicle size to use the parking space may be required by the Zoning Administrator. Parking spaces for the handicapped shall not be less than twelve (12) feet wide and twenty (20) feet in length.

f. Use of parking facilities. Off-street parking facilities accessory to residential use shall be utilized solely for the parking of passenger automobiles and/or one (1) trucks not to exceed seven thousand (7,000) pounds gross capacity for each dwelling unit. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, or customers of nearby business or manufacturing establishments.

g. The number of off street parking spaces required for various land uses as specified herein shall be considered as absolute minimum requirements. Additional off street parking spaces may be required by the Zoning Administrator or Planning Commission. It is public policy that all public streets in the City are intended primarily for the movement of traffic; on street curb parking shall be considered a privilege which may or may not be granted on a street by street basis.

h. Design and maintenance of off-street parking areas:

1. Parking areas shall be designed so as to provide adequate means of access to a public alley or street. Such driveway access width shall be in accordance with the State of Minnesota Highway Department Standards, but in no case shall they exceed thirty-two (32) feet in width unless a variance has been obtained approving the larger width. Driveways shall be so located as to cause the least interference with traffic movement.

2. Calculating space. When the calculation of the number of off-street parking spaces required results in a fraction, such fraction shall require a full space.

3. Signs. No signs shall be located in any parking area except as necessary for orderly operation of traffic movement and such signs shall not be a part of permitted advertising space. Signs

shall conform to zoning district regulation.

4. Lighting. Any light used to illuminate an off-street parking area shall be arranged so it is not directly visible from the adjoining property and illuminates in a downward vertical direction. However, in no case shall such lighting exceed 0.5 (1/2) foot candle in a residential zone measured at the lot line.

5. Curbing and landscaping. All open off-street parking area designed to have head in parking along the property line shall provide a bumper curb not less than seven (7) feet from the side property line or a guard of normal bumper height no less than five (5) feet from the side property line. When said area is for six (6) spaces or more, a curb or screening not over four (4) feet in height shall be erected along the front yard setback line and grass or planting shall occupy the space between the sidewalk and curb or screening. Wheel guards as approved by the Zoning Administrator may be utilized.

6. Parking space for six or more cars. When a required street parking space for six (6) or more cars is located adjacent to a residential district, a fence not less than four (4) feet in height, not to exceed six (6) feet in height, and to be not less than seventy-five percent (75%) opaque, shall be erected along the residential district property line, plus additional screening as may be required by the Zoning Administrator.

7. Maintenance of off-street parking space. It shall be the joint responsibility of the operator and owner of the principal use or building to reasonably maintain the parking space, accessways, landscaping and required fencing.

8. Access. All off-street parking spaces shall have access from driveways and not directly from the public street.

9. Determination of areas. The parking space per vehicle shall not be less than three hundred and fifty (350) square feet of parking and maneuvering area or an area equal to the width of the parking space multiplied by the length of the parking space plus fifteen (15) feet.

10. No parking space shall be closer than ten (10) feet to any building.

11. Fire access lanes shall be provided as required by the building or fire code or the Zoning Administrator.

12. Setbacks (Yards). Except as specifically authorized and permitted by zoning district provisions, off street parking shall not be located in required setbacks (yards).

h. Off street parking spaces required (one (1) space equals three hundred fifty (350) square feet) shall be as follows for:

Multiple dwellings. At least two (2) parking spaces per dwelling unit except that two and one-half (2 1/2) parking spaces per dwelling unit are required for multiple units of ten or less that abut no parking (on street curb) zones. At least one half (1/2) of the required spaces shall be enclosed. (Garage requirements may be waived for apartment projects designed and intended for occupancy by low income families).

Subdivision 6. Signs. As permitted by the "R-1" district.

Subdivision 7. Swimming Pools. As permitted by the "R-1" district.

Subdivision 7. Swimming Pools. As permitted by the "R-1" district.

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

MINUTES
October 14, 2009

- A. CALL TO ORDER: 7:00 PM
- B. ROLL CALL: LINDSTROM X HARRIS X KUETTEL AB
LONG X MERCER-TAYLOR X
MILLER X
- C. PRESENTATIONS:
- D. APPROVAL OF MINUTES: September 23, 2009 APPROVED
- E. PUBLIC HEARINGS:
- F. CONSENT AGENDA: LONG MOVED APPROVAL 4-0
1. General Disbursements through 10/8/09: \$169,174.65
Payroll through 9/30/09: \$15,571.13
 2. City License Renewal
 3. Northwest Youth and Family Services Agreement MOVED TO POLICY
 4. Change of date for November 11th City Council Meeting MOVED TO POLICY
 5. Resolution of Intent to Participate in National Flood Insurance Program
- G: POLICY ITEMS
1. Planned Unit Development at 1871 Larpenteur , with zoning change and amendment to the City's Comprehensive Plan HARRIS MOVED APPROVAL 4-0
 2. Award Bid for Roof Top Unit Replacement ADDENDUM LONG MOVED APPROVAL 4-0
 3. Northwest Youth and Family Services Agreement MERCER-TAYLOR MOVED APPROVAL 4-0
 4. Change date for November 11th City Council Meeting DATE CHANGED TO NOVEMBER 18- HARRIS MOVED APPROVAL 4-0
- H. INFORMATION/ ANNOUNCEMENTS:
- I. COMMUNITY FORUM:
- J. ADJOURNMENT: 7:40PM