

City of Falcon Heights Planning Commission Workshop

City Hall
2077 Larpenteur Avenue West

AGENDA

Tuesday, April 25, 2023
7:00 p.m.

A. CALL TO ORDER: 7:00 p.m.

B. ROLL CALL: Scott Wilson ____ Laura Paynter ____
Joel Gerich ____ VACANT
Jim Mogen ____ VACANT
Jake Anderson ____

Council Liaison - Mayor Gustafson ____
Staff Liaison - Hannah Lynch ____

C. APPROVAL OF MINUTES

1. N/A

D. PUBLIC HEARING

1. None

E. NEW BUSINESS

1. Discussion - Comprehensive Plan Review
2. Discussion - An Ordinance Amending Chapter 14 of the Falcon Heights City Code Concerning the Licensing of Businesses Selling Cannabinoid Products
3. Discussion - An Ordinance Amending Chapter 2 of the Falcon Heights City Code Concerning City Licensing

F. INFORMATION AND ANNOUNCEMENTS

1. Staff Liaison Report
2. Council Liaison Report

G. ADJOURN

Next regular meeting date: May 23, 2023



ITEM FOR DISCUSSION

Meeting Date	April 25, 2023
Agenda Item	E1
Attachment	2040 CP - Land Use Chapter
Submitted By	Hannah Lynch, Community Development Coordinator

Item	Comprehensive Plan Review
Description	<p>At the February 28, 2023 Planning Commission meeting, a subcommittee was formed to begin looking at the 2040 Comprehensive Plan and assessing the current status of goals and implementation. As the document has many different goals and policies, the subcommittee’s task has been to prioritize topics for review with the Planning Commission.</p> <p>The subcommittee met on March 21 to discuss the best way to move forward with this. At this meeting, it was determined the most important sections to begin looking at would be the Larpenteur and Snelling Corridors, establishing more of a connection between neighborhoods, and pedestrian safety. The subcommittee believes the next logical step is to hold a workshop with all members of the Planning Commission to review these items more in depth.</p> <p>From the 2040 Comprehensive Plan: <i>The Larpenteur Avenue and Snelling Avenue corridors have long functioned as divisions within Falcon Heights, separating the city north from south, east from west. The primary function of these highways is to conduct motorized traffic as quickly as possible from one end of the City to the other. Larpenteur and Snelling have imposed barriers to pedestrian traffic and an impediment to retail cohesiveness, separating neighborhoods and encouraging residents to orient their lives outward toward surrounding cities.</i></p> <p><i>Larpenteur Corridor Goals</i></p> <ol style="list-style-type: none"> <i>1. To encourage the evolution of the Snelling/Larpenteur hub, especially between Arona Street and Cleveland Avenue, into an extended “city center” connecting, rather than dividing, the community.</i> <i>2. To encourage the evolution of the Cleveland/Larpenteur hub into a well-designed civic, cultural and recreational precinct and an attractive gateway to both the City of Falcon Heights and the University of Minnesota.</i> <p><i>Larpenteur Corridor Policies</i></p>

	<ol style="list-style-type: none"> 1. <i>Conduct in-depth corridor studies of both Larpenteur and Snelling Avenues in Falcon heights to determine the design priorities for these arteries and to determine the best ways to meet the City's objectives.</i> 2. <i>Establish mixed-use overlay districts to encourage infill and redevelopment of existing commercial and multi-family properties along the Larpenteur corridor. Exact location of these districts would be determined by the results of the corridor studies; this plan will be amended to recognize those results.</i> 3. <i>Allow flexibility in development standards on Larpenteur to recognize the challenge of redeveloping small properties on a scale similar to surrounding residential development</i> 4. <i>Require pedestrian and local traffic connectivity between new development and surrounding portions of the City. Discourage plans that restrict vehicular access to new developments to Larpenteur Avenue only.</i> 5. <i>Require appropriate transitional zones of open space between existing single-family neighborhoods and any new development of institutional or agricultural land.</i> 6. <i>Employ the health impact assessment and other tools to ensure that new development along Larpenteur Avenue is safe, attractive and walkable and enhances the quality of life for residents of the City.</i> 7. <i>Work with the University of Minnesota to improve the streetscape along Larpenteur west of Fairview.</i> 8. <i>Make sure all development follows the City's sustainability and resiliency goals.</i>
Budget Impact	None.
Attachment(s)	2040 Comprehensive Plan – Land Use Chapter
Action(s) Requested	Staff requests the Planning Commission discuss the goals and policies of the Larpenteur Corridor in the 2040 Comprehensive Plan and discuss potential updates to the plan and/or City Code to move these goals forward.

III. Land Use

“Planning” means the scientific, aesthetic and orderly disposition of land, resources, facilities and services with a view to securing the physical, economic and social efficiency, health and well-being of urban and rural communities.”

– Canadian Institute of Planners

Even in a fully-developed city like Falcon Heights, where land uses are long established, change will come. The purpose of this land use plan is to provide public policy to guide that change, to serve the needs of all sectors of the community and to build a safe, healthy, sustainable, secure and prosperous environment in the city. The Falcon Heights comprehensive land use plan seeks to identify both opportunities and constraints, to identify and take into consideration the land use preferences of residents and landowners, and to establish community planning and design priorities for private development and public facilities for the next twenty years.

1. General Land Use

Falcon Heights is a fully developed inner-ring suburb. Over half of the City’s land is occupied by large public institutions not subject to the City’s land use controls. The City is otherwise largely residential, with clearly defined neighborhoods and limited business and commercial areas.

- Approximately two-thirds of Falcon Heights 1,433 acres is comprised of University of Minnesota lands and the Minnesota State Fairgrounds. A substantial portion (267 acres) of the University's property is used for agricultural research.
- The City of Falcon Heights has no industrial development.
- The City contains no lakes, streams, wetlands or protected waters except those found on University property.

Figure 7 shows 2016 land use, using Metropolitan Council categories, for Falcon Heights and adjacent portions of Roseville, Lauderdale and St. Paul. Falcon Heights’ zoning is shown in Figure 8.

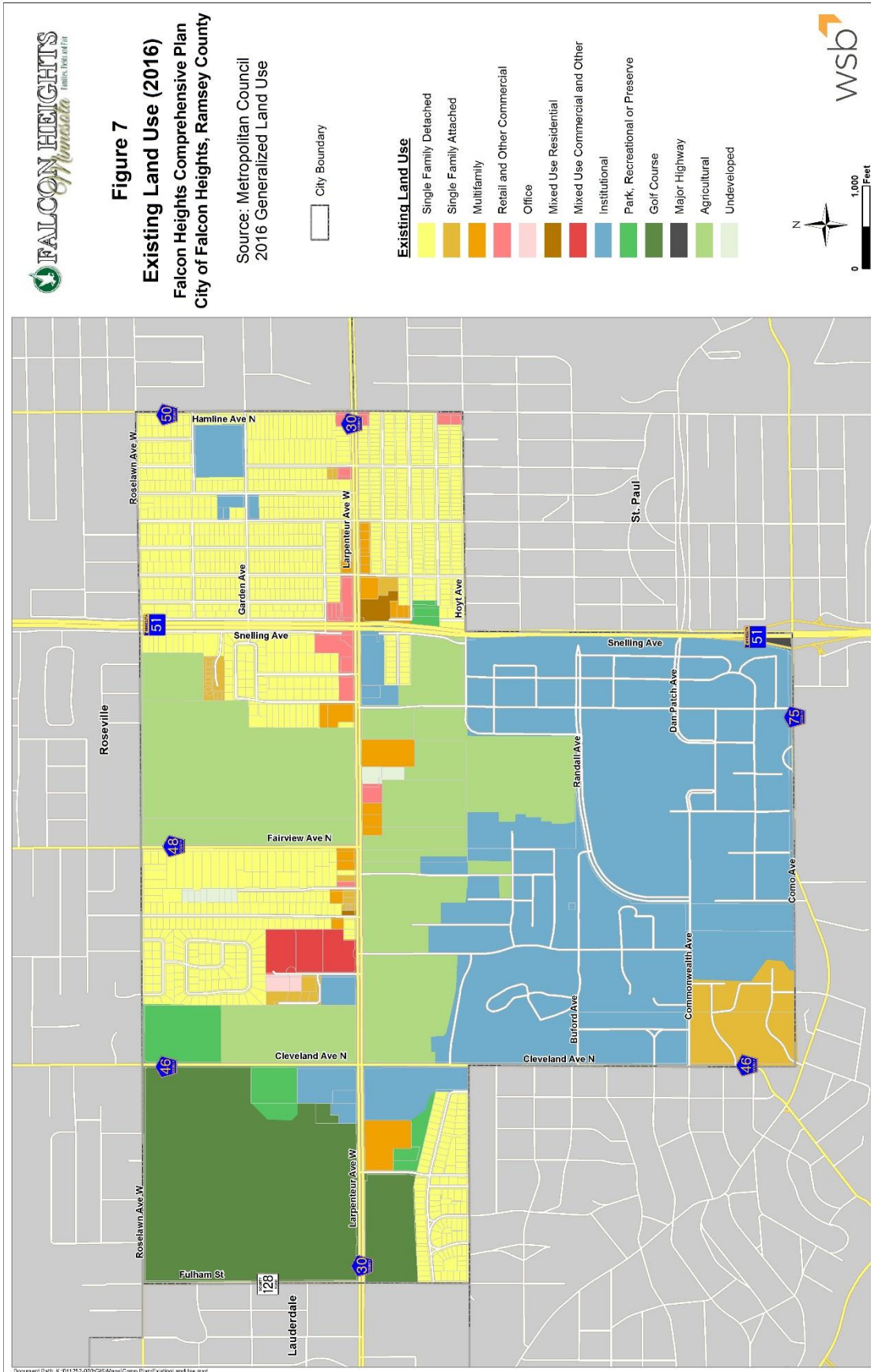


Table 10: Falcon Heights Land Use Data – Metropolitan Council

Falcon Heights Land Use Data: 2016

Source: Metropolitan Council

Land Use Categories	2016 Total (acres)	Percent of Total
Residential Total	436	30%
Single Family Detached	363	25%
Single Family Attached	45	3%
Multifamily	28	2%
Retail or Other Commercial	17	1%
Office	2	0%
Mixed Use Residential	4	1%
Mixed Use Commercial and Other	13	1%
Institutional	474	33%
Parks, Recreation, or Preserve	31	2%
Golf Course	162	11%
Major Highway	2	0%
Agriculture & Undeveloped Total	305	20%
Agriculture	287	20%
Undeveloped Land	5	0%
Total	1,433	100%

Table 11: Existing Zoning Designations in Falcon Heights

R-1	Single Family Residential
R-2	One and Two Family Residential
R-3	Medium Density Multiple Family and Apartment Buildings
R-4	High Density Multiple-Family and Apartment Buildings
R-5M	Mixed Use High Density Residential
B-1	Neighborhood Convenience
B-2	Limited Business
B-3	Snelling/Larpenteur Business District
P-1	Public Land
P-1/R-1	Public Land; R-1 if reused
PUD	Planned Unit Development

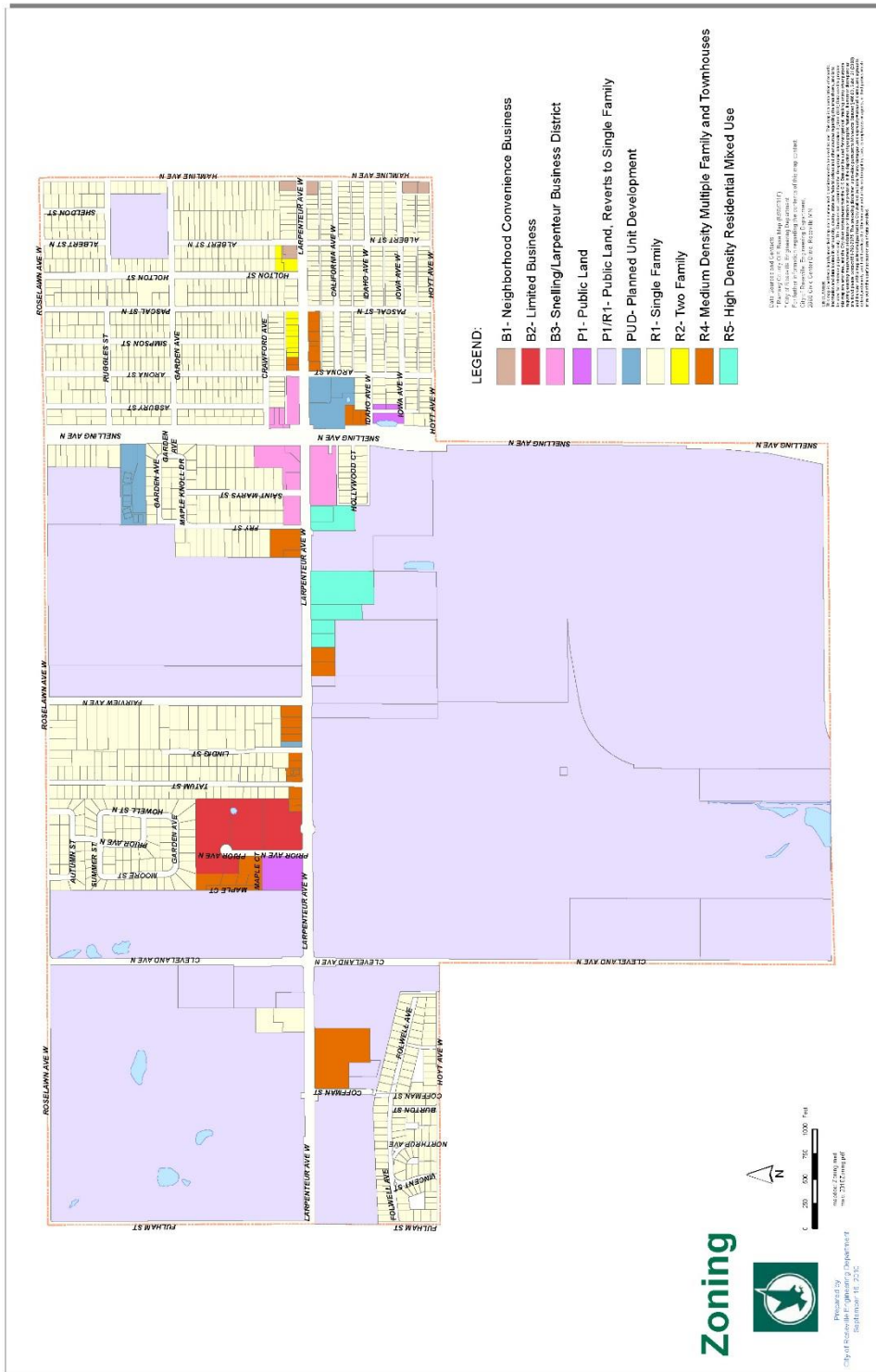


Figure 8: Existing zoning in Falcon Heights

Existing Land Use

Residential Neighborhoods

Of the non-institutional land in Falcon Heights, the majority is residential, mostly single family homes. The single family residential district is divided into six distinct neighborhoods by the University of Minnesota fields and by Snelling and Larpenteur Avenues. Most of the housing was constructed between 1940 and 1990. Multi-family buildings are distributed along portions of Larpenteur Avenue, most between Fairview and Pascal, and there is a large complex of attached single-family homes on the University campus at the southwest corner of the City. Housing is discussed in detail in the neighborhood section of the chapter.

Commercial Land

With the exception of a small neighborhood business center at the northwest corner of Hamline and Hoyt Avenues, all of the land zoned for commercial and business uses in Falcon Heights is located along Larpenteur Avenue, a major east-west thoroughfare. Most of this land is concentrated at the four corners of the Snelling-Larpenteur intersection, the City's central business district. The other business zone of significant size are the Spire Credit Union/Stanford Office Park area on Prior Avenue near City Hall. The remaining business properties are small parcels on the edges of residential neighborhoods, intended to be used for local neighborhood businesses. Falcon Heights has no land zoned for industrial use. Further discussion is located in the Business and Commercial chapter of the Land Use section.

Mixed Use

The most significant change in land use in Falcon Heights in the last number of decades is the conversion of 4.9 acres from commercial to mixed residential and commercial use, with the redevelopment of the southeast corner of Snelling and Larpenteur Avenues. Falcon Heights Town Square includes 119 rental apartments, 76 senior rental apartments, 14 owner-occupied townhomes and 12,000 square feet of commercial space.

Another large commercial property, the corporate offices of Spire Credit Union, has also been designated "Mixed Use Residential".

Parks, playgrounds and public open space

The City has two neighborhood parks, Grove Park and Curtiss Field, along with the community park. Although the City's park acreage is low for its population, it should be noted that the University of Minnesota's Les Bolstad Golf Course, as well as the campus and the grounds and facilities of the State Fair, provide significant additional recreational opportunities for City residents.

Vacant Land

While the City has a significant inventory of unbuilt public land, that land is owned and used for agricultural research by the University of Minnesota and therefore not considered vacant. That which remains consists of relatively small disassociated parcels under one acre in size. Most of these parcels are landlocked, with no street access, and all but one are owned by the owner of the adjoining residential property. With the exception of these parcels, which are popularly – though not yet officially – considered a natural resource, there is no vacant privately held land remaining in the City for new residential development. There are no vacant properties zoned for commercial use.

Public and Institutional Land

The City has been given no reason to anticipate that any of the University of Minnesota or State Fair land will be made available for private development within the time frame of this plan. Therefore, the City must plan to accommodate expected housing, business and community needs by redevelopment on land that is now privately owned. However, the City must also be prepared to provide for the best use of what is now public land, in the event that these public institutions change their plans.

Future Directions

Areas of Potential Change

In addition to the demographic and environmental challenges that will confront all cities in the next twenty years, Falcon Heights faces the particular challenge of finding space to meet the housing needs projected by the year 2040. Except for one vacant residentially zoned parcel, Falcon Heights is fully developed. The City's unique composition includes the University of Minnesota's agricultural research fields. This land is not considered vacant by the City or the University, but the City is preparing for the portion of these fields along Larpenteur Avenue to redevelop the same as the rest of the corridor.

Therefore, it is not in new development, but in redevelopment where Falcon Heights will see changes over the next twenty years. Redevelopment is expected to follow two general directions: Adding transit-oriented housing, especially for older citizens and students, and creating more opportunities for residents to meet their needs for purchasing life's necessities closer to home. When redevelopment occurs, it is the perfect time to refresh and improve an area for the foreseeable future. All redevelopment projects should incorporate sustainability and resiliency to make the City stronger now and into the future.

Redevelopment: The Larpenteur Corridor

As of the last comprehensive plan, the areas with the largest potential for redevelopment have frontage along Larpenteur Avenue. This area remains the largest potential for the next twenty years. Several of the larger commercial properties are underutilized, and the existing apartment buildings are aging, so it is likely that opportunities for redevelopment will arise during the next twenty years. All of these sites are on, or near, Larpenteur Avenue, an important bus transit route, so a chief focus of the City's planning will be the "Larpenteur Corridor."

Given the unlikelihood of University of Minnesota land being made available for development, it will be redevelopment of properties in the Larpenteur Corridor that will provide the additional housing and business development Falcon Heights is expected to need by 2040. Figure 9 identifies redevelopment areas within the Larpenteur Corridor. Not every lot is expected to redevelop by 2040. Accordingly, projections of the City's overall growth, and specifically residential growth, account a portion of acreage of the Mixed Use Residential and Mixed Use Residential – TOD designations within Larpenteur Corridor that is identified in Table 16. Tables 12 and 13 illustrates that 11.3 acres of Mixed Use Residential area is expected to develop between 2021 and 2040 which is 24.1% of the overall Mixed Use Residential areas shown in

Table 16. This percentage is based on recent development activities, current market trends and known development interest and momentum in the City.”

Additionally, the Spire Credit Union site is underutilized compared to its previous owner of Hewlett Packard. The existing parking provided far exceeds Spire’s needs and the northern of the three parcels in mostly green space. A portion of the Spire Credit Union site could be redeveloped or intensified to provide a greater mix of employment opportunities within the community.

Please see the *Larpenteur Corridor* section for detailed discussion.

Changes to Public Lands

The new Bell Museum of Natural History has been constructed on the southwest corner of Larpenteur and Cleveland Avenues and brings many visitors to Falcon Heights. Intramural recreational fields presently occupying the site will be moved, the northeast corner of Cleveland and Larpenteur being discussed as a possible site.

With Gibbs Farm (Ramsey County Historical Society) across Larpenteur Avenue to the north, and the proximity to University recreational facilities, two City parks and existing or planned trails, the Cleveland/Larpenteur area could become the nucleus of a new cultural and recreational hub in Falcon Heights and an important element of the Larpenteur Corridor, complementing the commercial and business core at Snelling Avenue. To allow for a proposed expansion of Ramsey County Historical Society operations at the Gibbs Farm, the Public Land (P-1) designation will be extended to the adjacent residential property, which the Historical Society now owns and plans to use for its institutional operations.

Demand for student housing being very strong, the University has communicated a possible need for additional student housing, including corporate housing, south of Commonwealth Avenue on campus. In the event that any of this housing is built and operated by private entities, this development could come under the City’s land use jurisdiction, and the City would need to create appropriate land use controls both to meet the needs of the University and to ensure compatibility with the City’s goals and best interests.

Although no further change to public lands, and no sale to the private sector, is anticipated during the time frame of this plan, the City acknowledges that provision must be made if University of Minnesota or State Fair plans change. The City’s previous comprehensive plan called for all public land not permanently reserved for public use to revert to single-family residential use if it should be sold for private development. Given the health and sustainability objectives of this plan, restricting this land to single family residential use is not necessarily in the best interest of the community. Therefore, the City will adopt a more flexible approach, creating overlay districts to guide any future development of public lands in coordination with the other parts of this plan, while acknowledging the present public use in the base zoning designation. Portions of these lands, such as Community Park, may be candidates for permanent reservation as public land. Corridor studies of Larpenteur and Snelling will be undertaken before the extent of the new zones can be determined. This plan will be amended when those studies have been completed.

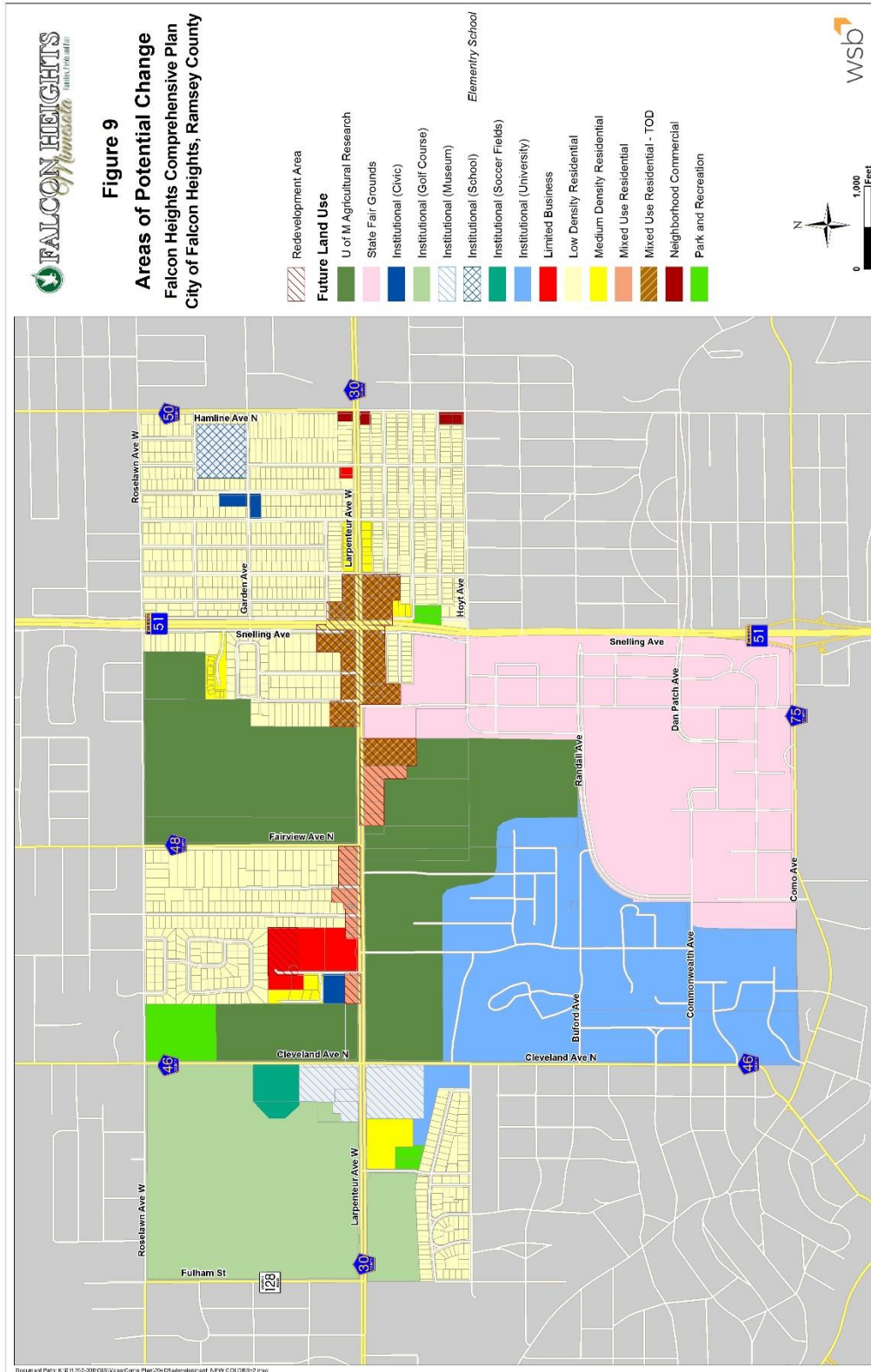


Figure 9: Areas of Potential Change

Table 12: Potential Redevelopment by Decade

	Now - 2020		2021-2030		2031-2040		Total	
	Acres	Acreage Percent	Acres	Acreage Percent	Acres	Acreage Percent	Acres	Acreage Percent
Mixed-Use Residential (22.0 ac. Total)	1.3	100%	2.0	22.2%	2.8	41.2%	6.1	35.7%
Mixed-Use Residential -TOD (24.8 ac. Total)	0	0.0%	2.5	27.8%	4.0	58.8%	6.5	38.5%
Limited Business	0	0.0%	4.5	50.0%	0	0%	4.5	26.3%
Total	1.3	100%	9.0	100%	6.8	100%	17.1	100%

Table 13: Residential Redevelopment by Decade

	Now - 2020			2021-2030			2031-2040			2021-2040 Total		
	Acres	Residential Share	Units	Acres	Residential Share	Units	Acres	Residential Share	Units	Total Acres	Residential Acres	Units
Mixed Use Residential (12 Units per Acre)	1.3	100%	15	2.0	50.0%	12	2.8	50.0%	16	4.8	2.4	28
Mixed Use Residential – TOD (15 Units per Acre)	0	0.0%	0	2.5	50.0%	19	4.0	50.0%	30	6.5	3.3	49
Total	1.3		15	4.5		31^a	6.8	100%	46	11.3	5.7	77

Residential Redevelopment Units per Acre: 13.3 (2021-2040)

^a31 units are generated at a density exceeding 8 units per acre - meeting the 11 units required in the affordable housing allocation.

General Land Use: Goals and Policies

General Land Use Goals

1. To improve connections between districts of the City, between City neighborhoods and the public institutions and within neighborhoods.
2. To minimize land use and traffic intrusions that adversely impact established neighborhoods.
3. To enhance access and safety for pedestrians and non-motorized transportation.
4. To encourage practices that conserve energy and lower the City’s over-all carbon emissions, making Falcon Heights a healthier, more sustainable community.
5. To encourage sustainability and resiliency practices that reduce energy consumption and carbon emissions, mitigate the effects severe weather and a changing climate
6. To encourage the proliferation of urban agriculture, a community space to be used as an open market, farmers market, or flee market; and agriculture and pollinator friendly land use.
7. Dissuade the use of asphalt to reduce the head island effect and encourage the use of permeable pavement to reduce stormwater runoff.
8. Encourage vertical development by minimizing impervious surfacing and maximizing space.
9. Promote healthy lifestyles by encouraging businesses that offer local conveniences such as co-ops, fast food, drug stores, and other businesses to help generate more revenue.

10. Use of Complete Streets philosophy to allow multi-model options.

General Land Use Policies

1. Adopt and encourage “complete streets best practices” to promote public health and encourage an active lifestyle for residents. Require a health impact assessment for new development/redevelopment.
2. Adopt and encourage “best practices” to promote a more energy efficient and environmentally sustainable community.
3. Continue to protect solar access by enforcing existing city ordinances (Section 113-393) and by strengthening the ordinance, if appropriate.
4. Continue to eliminate zoning code violations and nuisance conditions that adversely affect the appearance and value of properties and the health of residents.
5. On transit routes, where appropriate, allow the redevelopment of multi-family and commercial properties for mixed use or higher density housing, incorporating best practices for conserving green space and promoting active living. (See Larpenteur Corridor section.)
6. Enhance and upgrade the value of all properties through street maintenance and improvement programs that complement and enhance both residential neighborhoods and the City’s business districts.
7. Establish design guidelines and standards to ensure that any new development promotes good health and preserves public open space.
8. Permit only compatible businesses adjacent to residential uses and in mixed commercial-residential development, and place special conditions upon business uses to assure compatibility when appropriate.
9. Require that any re-subdivision of existing lots on developed blocks in residential areas conform to other lots within surrounding blocks, and be accessed in a similar manner.
10. Continue to build the Neighborhood Liaison program, Community Emergency Response Team and other community organizations for communication and security.
11. Build community identity and encourage neighborhood connectivity by installing sidewalk and bike path systems, decorative street lighting and landscaping to make streetscapes more welcoming.
12. Continue to implement an aggressive shade tree program and replace removed trees as quickly as possible with resilient tree species.
13. Encourage landscaping practices that reduce water consumption and minimize runoff.
14. Develop a resiliency checklist to ensure that all projects consider resiliency elements before they start.
15. Create an ordinance that more clearly allows and regulates urban agriculture, specifically community gardens, bees, and chickens.

16. Create incentives and programming to increase tree plantings on private lots and in public right of way.

2. The Larpenteur and Snelling Corridors

Because there is almost no vacant private land in Falcon Heights and the public land is unlikely to be available for future development, the City must identify those private properties which are possible candidates for redevelopment by the year 2040 to meet projected housing and business needs.

Next to its central location, Falcon Heights residents value the high quality traditional single-family neighborhoods and the importance of preserving their value and vitality.

With this value in mind, City staff looked at all private properties that are not presently zoned for single-family residential use. All but a handful of these properties are on or very close to Larpenteur Avenue, the City's primary east-west thoroughfare. Therefore, the City will consider the future of the Larpenteur Corridor as a whole in creating the City's updated comprehensive plan.

The Larpenteur Avenue and Snelling Avenue corridors have long functioned as divisions within Falcon Heights, separating the city north from south, east from west. The primary function of these highways is to conduct motorized traffic as quickly as possible from one end of the City to the other. Larpenteur and Snelling have imposed barriers to pedestrian traffic and an impediment to retail cohesiveness, separating neighborhoods and encouraging residents to orient their lives outward toward surrounding cities.

Snelling Avenue

Snelling Avenue is a State highway that crosses Falcon Heights from north to south. It is the most heavily traveled traffic artery in the City. South of Hoyt Avenue, Snelling is the boundary between the Minnesota State Fair and St. Paul's Como neighborhood. North of Crawford Avenue, Snelling is a residential boulevard, with frontage streets and medians separating homes from the highway. On the west side, deep lots backing up to the University fields hint at the original rural character of this section of the avenue.

Snelling Avenue has experienced some improvement in the past decade to implement the A-Line arterial bus rapid transit (BRT) service. Those improvements proved better bus shelters and transit priority through the intersections, but is a significant barrier for east to west bound traffic through town.

The strip commercial centers at Snelling and Larpenteur represent the primary redevelopment opportunity along Snelling Avenue. The strip commercial centers have the same redevelopment potential as the other properties discussed along Larpenteur Avenue.

Larpenteur Avenue

Therefore, this section will focus on the opportunities on Larpenteur Avenue. However, because Snelling passes through the heart of the City and the central commercial district and borders three large neighborhoods, it is a vital component in the City’s objectives of building connections within the City, encouraging healthy, active living and enhancing community identity. Certain general goals and policies in this section will also be applied to Snelling, and any corridor study undertaken for Larpenteur Avenue will include Snelling.

Assets and Characteristics of the Larpenteur Corridor

- **Existing higher density housing.** Most existing multi-family housing in the City is on or near Larpenteur
- **Existing business zones.** Of the City’s existing business districts, all but one are on, or just off, Larpenteur. The City’s central business district surrounds the intersection of Larpenteur and Snelling.
- **Transit.** Larpenteur Avenue is a public transit route between downtown Minneapolis and downtown St. Paul. It crosses Snelling Avenue, a major north-south transit route operating the A-Line arterial BRT that connects Roseville’s commercial center with St. Paul’s Midway (Green Line LRT), St. Paul’s Highland Park (future Ford redevelopment site) and onto the Blue Line LRT line.
- **Cultural Assets.** Gibbs Farm is located at the northwest corner of Cleveland and Larpenteur Avenues, across the street from the new Bell Museum of Natural History.
- **Recreational Amenities.** The Les Bolstad University of Minnesota Golf Course and women’s soccer stadium are both located in the vicinity of Larpenteur/Cleveland. The City’s three largest parks are all directly connected to Larpenteur Avenue by walks or trails.
- **Community Amenities and Services.** Falcon Heights City Hall and fire station are both on Larpenteur, just east of Cleveland.

Existing Land Uses on Larpenteur Avenue

Properties on Larpenteur Avenue fall into four broad categories:

- Business and commercial properties or groups of properties, including the Snelling/Larpenteur commercial core
- Existing multi-family residential properties
- Existing single-family homes and duplexes
- Public and institutional land, including land used for agriculture research

Of these, the last two categories are considered improbable candidates for redevelopment. In addition there are sites which have been redeveloped within the last 25 years and which are not considered likely redevelopment candidates by 2040.

- 1666 Coffman – senior condominium apartments
- Falcon Heights Town Square (SE corner of Snelling/Larpenteur)

- Stratford Professional Office Park – Prior Avenue, north of Maple Court and City Hall

Existing Multi-Family Residential Properties in the Larpenteur Corridor

The existing multi-family residential properties in the proposed Larpenteur Corridor planning area occupy a total of 24.7 acres, with 703 units of housing for an average density of 28.4 units per acre, as shown in Table 14. The density ranges from just over 14 units per acre at 1666 Coffman, an owner-occupied condominium residence for University of Minnesota retirees, to more than 50 units per acre at 1496 Larpenteur, an older 8-unit apartment building. The new multi-family and senior buildings at Falcon Heights Town Square are approximately 45.9 and 42.4 units per acre, respectively.

Table 14: Multi-family Residential Properties in Larpenteur Corridor, West to East

Property	Present Zoning	Acres	Existing units	Existing Density (Units/Acre)
1666 Coffman	R-4	6.50	93	14.3
1707 Tatum	R-4	0.41	11	26.8
1707 Lindig	R-4	0.52	12	23.1
1845-1855 Larpenteur	R-4	1.11	34	30.6
1830 Larpenteur	R-4	0.59	17	28.8
1800-1818 Larpenteur	R-4	1.56	36	23.1
1710-1740 Larpenteur	R-4	4.83	144	29.8
1687-1717 Fry	R-4	2.43	68	28.0
1561 Idaho/1534-1642 Snelling	R-4	0.88	32	36.4
1550 Larpenteur	PUD	2.59	119	45.9
1530 Larpenteur	PUD	1.32	56	42.4
1510 Larpenteur	R-4	0.28	10	35.7
1511 Larpenteur/1688 Arona	R-4	0.39	20	51.3
1504 Larpenteur	R-4	0.28	10	35.7
1496 Larpenteur	R-4	0.13	8	61.5
1490 Larpenteur	R-4	0.13	5	38.5
1486 Larpenteur	R-4	0.28	10	35.7
1472 Larpenteur	R-4	0.28	10	35.7
1466 Larpenteur	R-4	0.28	8	28.6
All Multi-family properties		24.79	703	28.4

All of these properties exceed the 12 unit-per-acre cap defined in the City’s existing zoning code. Most are at least twice as dense as the code calls for. This suggests that the 12-unit-per-acre limit is not realistic and should be revised upward for multi-family properties in the city.

Lack of parking, on and off-street, and the need to limit impervious covering may dictate lower densities on the smaller multi-family parcels if they are redeveloped, resulting in a net loss of housing units. This loss will have to be made up by adding housing elsewhere in the City or by consolidating multiple lots and developing as a whole.

Commercial/Business Properties in the Larpenteur Corridor

Existing private commercial land occupies 30.46 acres in the Larpenteur Corridor. As shown in Table 15, these properties range in size from just over a quarter of an acre at the northeast corner of Larpenteur and Lindig to over 12.5 acres at Larpenteur and Prior (now occupied by Spire Credit Union).

Table 15: Non-Residential Properties in Larpenteur Corridor, West to East

Property	Present Zoning	Acres
2025 Larpenteur	B-2	12.54
1871 Larpenteur	B-1	0.29
1750-1790 Larpenteur	B-2	3.44
1639 Larpenteur	B-3	1.16
1644 Larpenteur	B-3	2.58
1667 Snelling	B-3	3.73
1611 Snelling	B-3	0.58
Warner center	B-3	2.1
BP	B-3	0.38
Dino's	B-3	0.54
Falcon Crossing (including north parking)	B-3	1.66
1407 Larpenteur	B-1	0.5
1347 Larpenteur	B-1	0.58
1350 Larpenteur	B-1	0.38
All non-residential private land on the Larpenteur Corridor		30.46

Not all of the sites presently zoned for business are likely candidates for multi-use redevelopment by 2040. The southeast quadrants of the Snelling/Larpenteur core are comparatively new and in good condition. The northwest quadrant has been recently upgraded; it also presents some vehicle access challenges due to its proximity to the Snelling/Larpenteur intersection. The B-1 properties are unlikely to attract residential redevelopment because of their small size and constraints imposed by proximity to existing residential properties. They are more likely – and more needed – to continue serving neighborhood retail needs, with or without rebuilding.

Larpenteur/Cleveland Hub

Though decidedly less congested with traffic and has more open space than the Snelling/Larpenteur commercial core, the intersection of Larpenteur and Cleveland is as important a center and gateway to the City of Falcon Heights as Snelling and Larpenter. The area is home to a number of the community’s assets and public attractions.

- Falcon Heights City Hall
- Les Bolstad University of Minnesota Golf Course
- University of Minnesota women’s soccer stadium
- University Grove Park (a neighborhood park)
- Community Park
- The Bell Museum of Natural History (owned by the University of Minnesota)
- Gibbs Farm (owned by the Ramsey County Historical Society)

Cleveland and Larpenteur has also been identified by in the University of Minnesota’s master planning process as an important gateway to the campus.

The Cleveland/Larpenteur hub, extending to Gortner Avenue on the east, Fulham Avenue on the west, and to Community Park on the north, has the potential to become a significant precinct of civic, cultural and recreational activity, balancing and complimenting the commercial center at Snelling and Larpenteur

Future Directions

Axis of Redevelopment: The Larpenteur Corridor

Larpenteur and Snelling have the potential to become vital arteries within the community, connecting rather than dividing neighborhoods and commercial areas. It is the City’s intention to focus on that potential over the lifetime of this plan and to aim future development in the City toward realizing that vision of connection. Higher density, transit-oriented housing, including life-cycle housing, along Larpenteur Avenue will be part of that vision. Commercial development will be integrated with the Snelling/Larpenteur commercial core and must contribute to a viable community oriented city center. Above all, development must be balanced with preservation of the open landscapes that residents value so highly.

The City intends to give priority to development along Larpenteur Avenue that provides homes, destinations and necessities for local residents and incorporates strong pedestrian and local traffic connections both to surrounding residential neighborhoods and to existing commercial districts. Highway-oriented “strip-mall” type development will not serve this vision and will not be considered appropriate for Larpenteur Avenue within Falcon Heights. Between Larpenteur Avenue and Avalon Street there is particular potential for redevelopment opportunities that would incorporate mixed-use buildings similar to the mixed-used redevelopment which occurred at the southeast corner of Snelling and Larpenteur. Larpenteur Avenue redevelopment could include the reuse of the architecturally unique former Harvest States Building in the southwest quadrant of the Snelling-Larpenteur corner.

A comprehensive corridor study of both Snelling and Larpenteur, with ample opportunity for public participation, is recommended as part of the implementation of this plan, before any significant redevelopment is initiated along the Larpenteur Avenue corridor in Falcon Heights.

Larpenteur/Cleveland Civic, Cultural and Recreational Precinct

Finally, it is the City’s intention to promote the evolution of the Cleveland/Larpenteur district as a precinct of civic, recreational and cultural activity for both the City and the wider metropolitan community, in partnership with the public and non-profit institutions that own the surrounding lands.

With the recent construction of the new Bell Museum of Natural History at the southwest corner of Larpenteur and Cleveland, and the Ramsey County Historical Society’s operations at the northwest corner, including Gibbs Farm, the City of Falcon Heights will be home to two popular metropolitan area museums.

The City intends to encourage compatible improvements on public and private land in this growing recreational and cultural nexus surrounding the Cleveland/Larpenteur intersection. The City intends to work with the surrounding property owners, adjacent cities and Ramsey County to improve pedestrian safety and access, to maintain and expand trail and bikeway access among the amenities in the area, and to meet the parking needs of the expected visitors to the area.

The Larpenteur Corridor: Goals and Policies

Larpenteur Corridor Goals

1. To encourage the evolution of the Snelling/Larpenteur hub, especially between Arona Street and Cleveland Avenue, into an extended “city center” connecting, rather than dividing, the community.
2. To encourage the evolution of the Cleveland/Larpenteur hub into a well-designed civic, cultural and recreational precinct and an attractive gateway to both the City of Falcon Heights and the University of Minnesota.

Larpenteur Corridor Policies

1. Conduct in-depth corridor studies of both Larpenteur and Snelling Avenues in Falcon heights to determine the design priorities for these arteries and to determine the best ways to meet the City’s objectives.
2. Establish mixed-use overlay districts to encourage infill and redevelopment of existing commercial and multi-family properties along the Larpenteur corridor. Exact location of these districts would be determined by the results of the corridor studies; this plan will be amended to recognize those results.
3. Allow flexibility in development standards on Larpenteur to recognize the challenge of redeveloping small properties on a scale similar to surrounding residential development
4. Require pedestrian and local traffic connectivity between new development and surrounding portions of the City. Discourage plans that restrict vehicular access to new developments to Larpenteur Avenue only.
5. Require appropriate transitional zones of open space between existing single-family neighborhoods and any new development of institutional or agricultural land.
6. Employ the health impact assessment and other tools to ensure that new development along Larpenteur Avenue is safe, attractive and walkable and enhances the quality of life for residents of the City.

7. Work with the University of Minnesota to improve the streetscape along Larpenteur west of Fairview.
8. Make sure all development follows the City’s sustainability and resiliency goals.

3. Neighborhoods

The City of Falcon Heights is primarily a residential community dominated by modest, well-maintained single family homes built in the mid-20th century. Slightly less than a third of the total residential units are apartments, for which there is a constant demand because of proximity to the University of Minnesota. About 15% of the City’s housing is in a student housing cooperative on the university campus.

Falcon Heights Neighborhoods

The geographical barriers of major roads, open fields, fairground and campus give the neighborhoods of Falcon Heights clearly defined identities. The neighborhoods are also distinguished by age and type of housing, and by typical lot size.

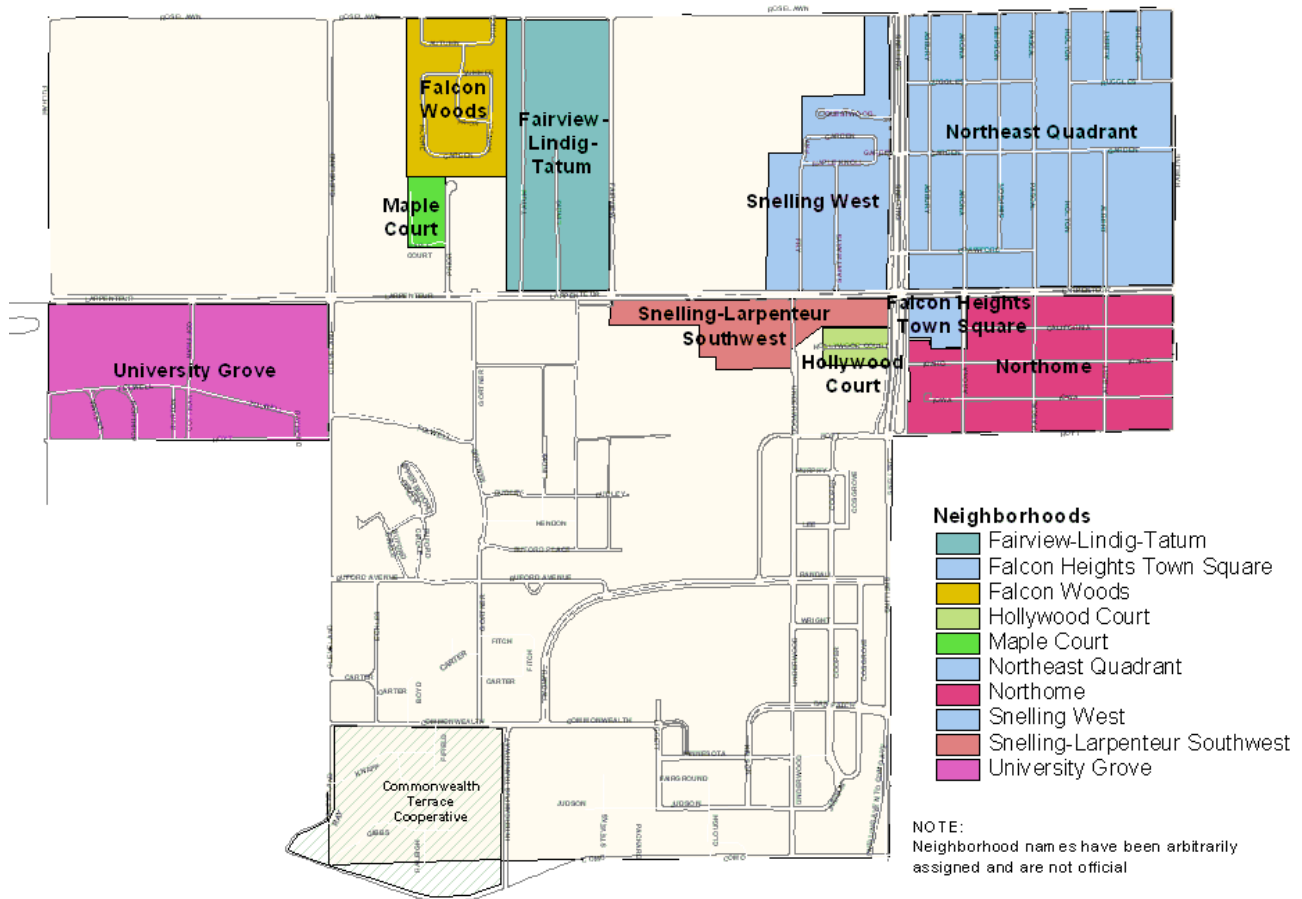


Figure 10: Falcon Heights Residential Neighborhoods

North of Larpenteur and east of Snelling. This neighborhood, sometimes called the “Northeast Quadrant,” is the largest in the city. It is characterized by ramblers and ranch-style homes built from the 1930s to about 1960, on deep lots of typically about 10,000 square feet. Streets are straight and connected, primarily north/south; most blocks do not have sidewalks or alleys. Older homes on deeper, more heavily wooded lots are concentrated along Hamline and the east end of Larpenteur.

South of Larpenteur and east of Snelling. Traditionally called Northome, this neighborhood is characterized by one-and-a-half story homes built before the end of World War II and, west of Arona Street, ramblers built between 1945 and 1952. Most lots are under 7,000 square feet. The houses face east-west streets laid out in a grid pattern. Most blocks have alleys and sidewalks. The neighborhood is similar to St. Paul’s Como neighborhood to the south. Recently two large apartment buildings and fourteen townhomes were added to this neighborhood at Falcon Heights Town Square at the southeast corner of Larpenteur and Snelling.

North of Larpenteur and west of Snelling. This diverse neighborhood adjacent to university agriculture fields has a broad range of housing, including older homes on large lots facing Snelling Avenue, a 1950s development of suburban ramblers, and a small complex of up-scale townhomes built in the 1990s. Lot sizes vary from about 10,000 square feet to over 25,000 square feet. There are no alleys and few sidewalks. A four-building apartment complex is located at Fry and Larpenteur.

South of Larpenteur, Snelling to Fairview. Three apartment complexes, interspersed with commercial properties and public land, stand on the south side of Larpenteur, west of Snelling and adjacent to the State Fairground and University fields. Hollywood Court, a tiny single-street, one block neighborhood of homes built before 1950 on lots of about 7,000 square feet, is tucked in between the State Fair and the former Harvest States building at the southwest corner of Snelling and Larpenteur. Access to all of these residences is from Snelling or Larpenteur only. These residents are largely cut off from the other City neighborhoods by these busy streets.

Fairview, Lindig and Tatum Streets. This area reflects the same kind of diversity seen in the neighborhood along the west side of Snelling: individually built homes on large lots (10,000 – 53,000 square feet) on Fairview, Roselawn and Lindig and a development of post-World War II ramblers on 9,000 – 10,000 square foot lots along Tatum. The absence of sidewalks, the quiet location, and the “common back yard” identity of the unbuilt back lots north of the end of Lindig Street reinforce the semi-rural character these residents prize.

Falcon Woods. With access only from Roselawn Avenue on the north, winding streets and wedge-shaped lots, this neighborhood has the most “suburban” character in the city. The homes were built in two stages, the northern portion in the 1950s and the southern in the 1980s. Typical lots are about 10,000 square feet. Maple Court, a complex of 24 attached condominium townhomes built in 1993, stands just to the south of Falcon Woods off Prior Avenue north of City Hall. Although this neighborhood has no sidewalks along the residential streets, it is well provided with pedestrian connections to Prior and Larpenteur to the south and to Community Park on the west.

University Grove. Located between Hoyt Avenue and the University golf course, west of Cleveland Avenue, University Grove is a distinctive neighborhood originally intended for University faculty and staff. The Grove is adjacent to St. Anthony Park, one of St. Paul's most desirable neighborhoods. Homes in the Grove were built between the 1920s and the 1970s in a myriad of styles, each individually architect-designed. Homeowners are lessees of their lots, which remain the property of the University of Minnesota, and properties are subject to neighborhood association governance as well as City zoning code. The neighborhood features common green areas in the interiors of blocks, plenty of sidewalks and pedestrian paths, and a small neighborhood park. 1666 Coffman, a 92-unit condominium apartment building for retired University employees stands at the north side of the neighborhood at Coffman and Larpenteur

Future Directions

Falcon Heights is looking to preserve the quality and character of its mid-20th Century neighborhoods. The well-maintained cottages, ramblers and ranch-style dwellings behind green lawns on tree-lined streets have a "retro" charm that, with the convenient location of the City, makes Falcon Heights a desirable place to live. However, by post-1990 suburban standards, the lots, homes and garages are relatively small, and today's residents desire more living space. The City's challenge is to encourage reinvestment and home improvement that respects the style and character of the existing housing and the proportion of landscaped space, while creating more usable space and convenience.

This plan establishes five broad categories of residential use as follows:

Low Density Residential - Traditional Neighborhoods (R-1 and R-2)

These areas correlate with established single-family residential neighborhoods (University Grove, Falcon Woods, Northome, Northeast and Maple Knoll) where only very limited in-fill residential development is possible due to the absence of vacant land. These are neighborhood conservation areas where it is the City's intent to preserve neighborhood values and aesthetic character, encourage the continual upgrading of the housing stock and maintain existing development densities of one (1) to six (6) units per acre. At neighborhood edges, it is the City's intent to consider compatible residential redevelopment at higher densities.

Medium Density Residential (R-3 and R-4)

These long-established multi-family buildings are generally located along Larpenteur and Snelling Avenues in close proximity to areas of higher activity such as the Snelling and Larpenteur Commercial Core and to the two main bus transit routes that cross the City. Densities range from 12 to 46 units per acre. Off-street parking is limited. The City's policy for the last 20 years has been to limit new medium density residential development to 12 units per acre.

If medium or lower density redevelopment were to be proposed for these zones and other transitional areas, the City will require that rebuilding not reduce the amount of available housing in the City overall. To provide for attached townhome development and other medium density housing, the City will reinstitute the R-3 zoning district discontinued since the last comprehensive plan.

Mixed Use Residential

Falcon Heights Town Square at the southeast Corner of Snelling and Larpenteur Avenues is an example of a kind of housing that is becoming more common in the inner suburbs of the Twin Cities. Retail space may occupy the ground floor, while upper floors are residential. Buildings are set forward toward the street, and parking is moved underground or to the interior of the property. The Mixed Use Residential designation will have a mix of 50 to 90% residential uses, 25% to 50% commercial uses, and 0% to 25% office uses. Densities range from 12 to 46 units per gross acre. The mix of residential and commercial uses may occur either horizontally or vertically.

Mixed Use Residential - Transit-Oriented Development (TOD)

To support the higher frequency bus service of the “A” Line bus rapid transit (BRT) line running along Snelling Avenue, the minimum density within ¼ mile of Snelling Avenue shall be 15 units per gross acre. The Mixed Use Residential – TOD designation will have a mix of 50 to 90% residential uses, 25% to 50% commercial uses, and 0% to 25% office uses occurring either horizontally or vertically.

Falcon Heights Town Square’s largest building, the closest to Snelling, is one story taller than any other multi-unit building in the city. To meet projected housing needs, the City intends to consider similar multi-use development, with increased height limits and housing densities similar to comparable properties in the City, along the Larpenteur corridor, should any of the larger properties, presently zoned for business or medium density residential, become available for redevelopment. Substantial green spaces will be preserved between future development and existing neighborhoods to provide connectivity between neighborhoods (pedestrian, motorized and non-motorized traffic) and to preserve natural resources prized by Falcon Heights residents, including open space, views and access to natural light.

New Neighborhoods

Although it is unlikely that the University of Minnesota will release any of its agricultural land for private development, it is the City’s responsibility to take that remote possibility into account in its planning. If land should become available, future neighborhoods in these areas will be designed to conserve public open land, especially adjacent to existing neighborhoods, to include pedestrian and bicycle paths and access to transit, to provide connected street plans compatible with existing Ramsey County street names and address numbering, and to provide a variety of housing types and prices, including multi-family and mixed use building along the Larpenteur Avenue Corridor and compact single family residential uses elsewhere. Until that time, it is in the City’s interest to designate these lands as reserved for public use and establish overlay districts to ensure that any future changes in use meet the objectives of this plan.

Neighborhoods: Goals and Policies

Neighborhood Goals

1. To improve the quality, appearance and maintenance of housing in neighborhoods.
2. To enhance access and safety for pedestrians and non-motorized transportation.

3. To minimize land use and traffic intrusions that adversely impact established neighborhoods.
4. To continue the well-maintained residential character of existing neighborhoods.
5. To encourage the availability of a diverse housing stock.
6. To provide opportunities for affordable housing in proximity to public transportation, commercial services and recreational facilities.
7. To encourage homes to become as efficient as is reasonably possible through improved such as insulation and air sealing and high efficiency HVAC and water heating.

Neighborhood Policies

1. Adopt and encourage “best practices” to promote public health and encourage an active lifestyle for residents. Require a health impact assessment for new development/redevelopment.
2. Enforce the housing chapter of the city code to assure the maintenance of existing housing stock. Pursue improvements to this chapter such as adoption of a uniform standard, such as the International Property Maintenance Code.
3. Pursue and encourage housing rehabilitation programs, such as the Housing Resource Center.
4. Continue to support rental assistance programs through the Metropolitan Housing and Redevelopment Authority Section 8 Program.
5. Encourage home ownership by participating in community land trust programs, as opportunities and funding allow, to keep a proportion of homes affordable.
6. Monitor and maintain the quality of rented single-family housing by requiring registration and regular inspection of rental housing.
7. Space group homes in residential districts with not less than 1/2 mile between homes, as allowable by state statutes.
8. Continue to eliminate zoning code violations and nuisance conditions that adversely affect neighborhoods.
9. Maintain the single-family character of the existing residential neighborhoods and discourage redevelopment that may be considered a change in use unless irreversible blight can be demonstrated.
10. Allow the remodeling of existing residential structures and accessory uses without adversely affecting the character of the neighborhood or substantially reducing required open space.
11. On transit routes, allow the replacement of existing medium-density multi-family structures at equal or higher density, incorporating best practices for conserving green space and promoting active living.
12. Enhance and upgrade the value of residential properties through street maintenance and improvement programs that complement and enhance the residential character of neighborhoods, including the addition of walkways and lighting.
13. Maintain the present mix of housing but consider a variety of housing types and cost ranges if existing business or multi-family properties are redeveloped or if University of Minnesota

property becomes available. Establish design guidelines and standards to ensure that any new development promotes good health and preserves public open space.

14. Permit only compatible businesses adjacent to residential uses and in mixed commercial-residential development, and place special conditions upon business uses to assure compatibility when appropriate.
15. Require that any re-subdivision of existing lots on developed blocks in residential areas conform to other lots within surrounding blocks, and be accessed in a similar manner.
16. Continue to build the Neighborhood Liaison program, Community Emergency Response Team and other community organizations for communication and security.
17. Encourage neighborhood connectivity by installing sidewalk systems and decorative street lighting to make streetscapes more welcoming.
18. Continue to implement an aggressive shade tree program and replace removed trees as quickly as possible.
19. Encourage landscaping practices that reduce water consumption and minimize runoff.
20. Encourage all redevelopment or maintenance projects to include improving efficiency which will in turn improve durability, health and safety.
21. Encourage making the home solar ready during improvement projects.
22. Encourage new housing that incorporates EV readiness in garage construction.

4. Business and Commercial Districts

Although Falcon Heights is primarily a residential City outside of its large public institutions, it possesses a small but important business community distributed along Larpenteur Avenue. (Please see the Larpenteur Corridor section for additional information about business and commercial lands in Falcon Heights.) It is vital to the sustainable future of Falcon Heights and to the health and well-being of its residents that the City retain and improve the existing viable businesses and encourage businesses that offer goods and services to the nearby neighborhoods.

Existing Business Land Use in Falcon Heights

The City is served by a central business district at the intersection of Snelling and Larpenteur Avenues, a limited business district (offices and professional services) at Prior and Larpenteur, and a number of smaller businesses along Larpenteur, mostly oriented toward local retail and service needs. A retail cluster on Hamline Avenue between Hoyt and Idaho has been a valued neighborhood retail center for generations.

Snelling Larpenteur Commercial Core

The Snelling/Larpenteur commercial core was originally developed in the 1940s and is the only large retail area in Falcon Heights. By the 1980s, due to outdated design and amenity standards and access limitations imposed by the high traffic volumes on Snelling and Larpenteur Avenues, it was no longer functioning well in its original use as an auto-oriented shopping center. As presently configured, the Snelling and Larpenteur thoroughfares impose severe limitations on the extent to which the area can accommodate pedestrian traffic or function as an integrated retail center. As a result the four quadrants of the district have evolved somewhat independently over the last several decades.

The northeast quadrant, known as Falcon Crossing, was redeveloped in the mid 1980s utilizing tax increment financing for public improvements in support of private investment. The redevelopment replaced retailer Flower City, which was destroyed by fire in 1982, and a row of older neighborhood businesses. An aging restaurant was replaced by Dino's Gyros in 2004 as part of the redevelopment on the southeast corner. Dino's and Falcon Crossing share parking and access. Falcon Crossing has a history of full occupancy. The quadrant is expected to remain relatively stable, although traffic, parking and pedestrian safety will continue to be a challenge.

The northwest quadrant, occupied by a small shopping center, a restaurant, furniture store and gas station, underwent some significant cosmetic upgrades in between 2003 and 2006. Since 1990, small businesses catering to neighborhood needs have somewhat given way to larger "destination" retailers, though these locally owned businesses are still in scale with the limited space and parking available on the site. These limits, along with proximity to a residential neighborhood and access issues imposed by the highways, pose challenges for any future redevelopment. None is anticipated at this time.

The southeast quadrant of the Snelling/Larpenteur is occupied by the Falcon Heights Town Square which provides 175 apartments: 56 in a senior apartment building and 119 in a multi-family building, of which 25 are designated affordable. Fourteen owner-occupied town homes are also part of the complex. The multi-family building contains 12,000 square feet of commercial space on the first floor. Parking is removed from the streetscape into the interior of the block and underground.

In the next two decades, the most likely quadrant of the Snelling/Larpenteur Core to see redevelopment or repurposing is the southwest. Preserving the original art deco building would be a high priority in any future re-purposing or redevelopment of the southwest quadrant. The site as a whole is underutilized, and the western portion of the property is used for little besides overflow parking.

General improvements to the Snelling/Larpenteur commercial district since 2000 include:

- Increase in landscaped area, container plantings and trees
- Elimination of billboards and replacement of unattractive and disorganized signage by new, less intrusive signage at all three commercial corners
- New bus shelters
- Refurbished street lights
- Pedestrian scale transit improvements as a part of the A-Line arterial BRT

Remaining issues:

- Street and walkway configuration that is hazardous to pedestrians
- Minimal landscaping separating walkways and streets from parking lots
- Difficult vehicle access from public streets due to street improvements that have improved traffic flow at the expense of retail accessibility.
- High proportion of paved surface contributing to storm water run-off and detracting from the visual attractiveness of the area.

Based on its size limitations and fragmentation, the Falcon Heights commercial core will not be able to compete successfully with nearby retail centers in Roseville for specialty retail and “mall” shopping. Its primary role will be that of satisfying the neighborhood convenience retail needs of a relatively small market area consisting of Falcon Heights and parts of Roseville and St. Paul. Its secondary role will be to function as a specialty retail/service and office center with particular emphasis given to the retention of existing businesses at Snelling and Larpenteur. Additional housing should be considered as an element of any future redevelopment, to take advantage of this location at the intersection of two important transit routes.

Future Directions

Retaining viable businesses and maintaining commercial properties, while improving the mix of local goods and services, is a high priority for the City of Falcon Heights. Based on the lack of a vacant land resource and the adequacy of commercial services in the general market area, the City of Falcon Heights does not intend to create additional commercial areas on land that is under the City’s land use controls in 2018. Instead, the City intends to encourage improvement and redevelopment of existing commercial business areas in a manner that is in keeping with

competitive contemporary retail/service standards of design and quality for a community-oriented business district. It is also the intent of the plan to:

- create an attractive, easily accessible, walkable and visually secure commercial area for retail customers.
- minimize adverse impacts on adjacent residential areas.
- where appropriate, consider additional housing as an element in any redevelopment of existing commercial property, in order to meet projected housing needs by 2040.

Given the limited land area for commercial use in the city, 1.8% of the total land use, it is the intent of the city to attract businesses that serve the people who live and work in Falcon Heights and nearby, rather than a broader consumer base. The broader consumer base is served by the larger, more diversified and readily accessible commercial areas in the adjacent cities of St. Paul and Roseville as well as nearby Minneapolis.

The plan also intends to include only businesses that are compatible and complementary to the adjacent residential areas, and to exclude uses that are not fully compatible with adjacent residential uses or are not consistent with the community focus of the city's commercial districts. This is especially important because, given the limited land supply and corresponding limited transitional areas, all commercial structures are within 270 feet of residential structures; and many commercial buildings are within 40 to 50 feet of residential buildings and homes.

An exception may include the expansion of the Snelling/Larpenteur core west of Snelling Avenue, should the University or State Fair choose to divest themselves of the agricultural and fairground lands north and south of Larpenteur, east of Fairview. It is the City's intent to guide these areas toward medium to high density residential use mixed with compatible businesses that serve the local area

The City's existing Land Use Plan establishes four categories of commercial/business use including Mixed Use Residential, Mixed Use Residential-TOD, Neighborhood Commercial and Limited Business as follows:

Mixed Use Residential and Mixed Use Residential - TOD

These areas are comprised of a mix of both residential and commercial uses, either in horizontal or vertical mixture. The density will be a minimum of 12 units per acre (a minimum of 15 units per acre within ¼ mile of Snelling Avenue within the Mixed Use Residential – TOD category) and a maximum of 46 units per acre. The Mixed Use Residential and Mixed Use Residential – TOD designations will have a mix of 50 to 90% residential uses, 25% to 50% commercial uses, and 0% to 25% office uses. The commercial and office portions of a development are anticipated to yield an employment-bearing land use intensity of up to 0.75 building floor area (F.) to land area (A.) ratio (R.) or F.A.R. These areas provide buildings that are closer to the street, with a focus on providing a pedestrian-friendly environment.

A multi-use complex at Falcon Heights Town Square in the southeast quadrant of the Snelling/Larpenteur Commercial Core is the first mixed use commercial/residential structure of its type but it is unlikely to be the only such development in Falcon Heights. In addition to the

existing categories of commercial/business use, the City intends to establish a new flexible multi-use category as an overlay district where infill development is likely to be proposed.

It is the intent of the City to see all four quadrants of the intersection of Larpenteur and Snelling Avenues maintained and improved as the community's only major commercial/shopping center as well as a junction of vibrant neighborhoods. It is intended that the core maintain its mixed use character, including transit-oriented housing, that it be upgraded and redeveloped, as appropriate, to improve its accessibility and its commercial viability as a community retail area, while meeting standards of design that are consistent with the City's goals.

It is the intent of the City that the core continue to provide limited retail trade, business services and offices to satisfy the needs of the immediately surrounding community and complement the adjacent residential areas. Some uses which draw from a larger market area are permissible provided they do not have the potential for negative impacts on adjacent residential property.

It is further intended that each individual quadrant of the core be planned and developed as an integrated unit or cluster of shops, businesses, and – where appropriate – residences that are capable of functioning as a unit and sharing parking to the maximum degree possible. The City will consider housing-only redevelopment in the southwest quadrant as long as it is compatible with the transit-oriented, urban character of the other three quadrants, preserves the historic building and provides a significant share of the City's housing needs projected by 2040.

Activities and improvements that will be considered for the Snelling/Larpenteur Commercial core include:

- Establishment of sign and design guidelines for improvements throughout the core.
- Placement of electrical and telephone utilities underground.
- Planning and implementation of parking, circulation, lighting and landscaping improvements.
- Improvements that increase pedestrian safety.

Neighborhood Commercial (B-1)

Located at the extreme eastern boundary of the City of Falcon Heights and on small parcels scattered along Larpenteur Avenue, these existing retail goods and service areas are intended to continue to provide only limited service to relatively small market areas. They are not intended to expand beyond their present boundaries and any changes in use are intended to be dealt with on a case-by-case basis. These centers generally consist of freestanding buildings which function independently of one another. The expected employment-bearing land use intensity within this category is up to 0.5 F.A.R.

Limited Business (B-2)

These areas are primarily intended to accommodate a limited array of service establishments including governmental, professional and general office and studio uses and banks and financial institutions. The expected employment-bearing land use intensity within this category is up to 0.8 F.A.R. It is the City's intention to consider mixed use including housing and neighborhood convenience retail businesses (as in B-1), in addition to the present uses, should these areas become available for redevelopment, in which case these properties will be eligible for reclassification.

Commercial/Business Districts Goals and Policies

Commercial/Business Goals

1. To allow an appropriate range of businesses that satisfy the convenience goods and service needs of residents.
2. To ensure maximum compatibility with adjacent neighborhoods.
3. To ensure access and safety for pedestrians and those using non-motorized transportation
4. To improve the image and function of the Larpenteur Corridor and the commercial core at Snelling/Larpenteur.
5. To improve access, traffic circulation and on-site parking for the Commercial Core at Snelling/Larpenteur.
6. To provide convenient parking in sufficient amounts to meet parking demand.
7. To provide high density mixed use development close to bus transit routes when larger sites are redeveloped.
8. To encourage businesses to become more energy efficient, consider adding renewables or becoming solar ready and generally try to decrease their carbon emissions.

Commercial/Business Policies

1. Guide development toward existing neighborhood/ convenience commercial areas in clusters rather than in strip developments along major streets.
2. Require health impact assessments and environmental impact assessments for new development or redevelopment.
3. Require sufficient parking but encourage shared parking with other land uses to minimize hard surface coverage and improve the visual appearance of parking areas.
4. Promote attractive parking areas and infiltration by requiring landscaped traffic islands and setback areas.
5. Encourage and facilitate aesthetic improvements to building facades, parking, signage, landscaping and lighting throughout the Larpenteur Corridor and Snelling/Larpenteur commercial core.
6. Encourage building and sign designs to be in scale with the small town character of the City.
7. Maximize land use compatibility by requiring buffering, screening and landscaping between new commercial uses and residential areas and, wherever possible, between existing commercial uses and residential uses to minimize conflicts.
8. Require that any redevelopment project that may logically extend beyond the area already zoned for commercial use have a straight boundary that generally correlates with a public street line or the rear lot lines of residences and take all of the property to the project boundary. Further, where such extension of a project takes place, extraordinary setbacks and

landscaping be required to mitigate neighborhood impacts and storm water runoff and to conserve open land.

9. Encourage energy conservation and carbon emission reduction.
10. Encourage the use of renewable energy, and encourage private businesses to develop EV charging stations and promote the benefits of having this available to employees and customers.

5. Agricultural and Institutional

Comprising two-thirds of the City's total area, the University of Minnesota St. Paul campus/golf course/museum/soccer fields and the State Fair are the uses that have the potential to most influence growth over the next 20 years. Both institutions are autonomous which means that the City has no regulatory authority so long as land is used for its intended public purposes. While both institutions provide most of their own services, continuing close communication is essential to minimize conflict and coordinate public service deliveries. Particular attention needs to be given to transit and sanitary sewer coordination/ cooperation and to emergency preparedness. Additional institutional facilities include the City of Falcon Heights City Hall and Elementary School.

Institutional (University)

The St. Paul campus, comprising 452 acres, houses the University's Colleges of Biological Science, Veterinary Medicine, Food/Agriculture/Natural Resources and part of the College of Design, as well as the Raptor Center. The campus had a 2007 enrollment of approximately 6000 students and a dormitory population of 505 students (Bailey Hall). (The University no longer separates enrollment statistics for the two Twin Cities campuses, counting them as one.) Additionally, Commonwealth Terrace, a married student apartment complex, contains 464 housing units, of which 331 are in Falcon Heights and 133 are in St. Paul.

Following a decline in the 1980s and 1990s, enrollment has increased significantly since 2000 on the Twin Cities campuses. Demand for student housing near campus has also increased. Private development of new student housing on University land could come under the City's land use jurisdiction. Only one such project is under consideration at this time within Falcon Heights, a proposed fraternity house at the southeast corner of Commonwealth and Cleveland adjacent to Commonwealth Terrace.

Though it is within the City's limits, the University is autonomous. The University provides its own police, fire, public utility and bus services. The City bills it for sewer service.

Institutional (Golf Course)

The University's Les Bolstad Golf Course occupies 204 acres of land along Larpenteur Avenue between Cleveland and Fulham. No major improvements are proposed which would cause it to

grow beyond present boundaries. Although not under the City’s jurisdiction, the golf course is considered a valuable community asset.

Institutional (Soccer Fields)

The University also operates the Elizabeth Lyle Robbie Stadium at 17695 Cleveland Avenue just north of Larpenteur Avenue. No major improvements are proposed which would cause this facility to grow beyond present boundaries

U of M Agricultural Research

The University has conducted agricultural experimentation and research at this site for over 100 years. It is not known to be interested in selling any of its land for private development, an action that would bring such lands under the City's regulatory control. Nevertheless, plans can change, and the City is prepared to incorporate these public lands into its updated comprehensive plan should the University decide to sell or repurpose any of the campus in the future.

Institutional (Museum)

The University of Minnesota operates the Bell Museum which includes science, art, and a planetarium all with a unique Minnesota perspective. High-tech exhibits, wildlife dioramas, outdoor learning experiences and more will draw tourists to Falcon Heights. The Museum occupies 21.28 acres of land on Larpenteur Avenue West.

State Fairgrounds

The Fairgrounds property comprises 288 acres. It is the site of the State's largest outdoor event, drawing people from all over the State to Falcon Heights. Like the University of Minnesota, the State Fair is autonomous which means that the City has no regulatory control over Fairgrounds lands.

Periodically, there have been discussions about moving the State Fair to a different location where traffic could be better handled. The City does not favor relocation of the Fairgrounds but would entertain the use of some land in the vicinity of Snelling and Larpenteur Avenues for non-fair commercial or mixed-use development provided it does not exacerbate parking problems during the State Fair. Any non-fair use of land would fall within the City's regulatory jurisdiction and the City should make sure that any land use change is compatible to the objectives outlined in this plan.

Institutional (Civic)

Within this category the City of Falcon Heights currently occupies 3.83 acres of land where their City Hall is located along Larpenteur Avenue. Within City Hall, administration and operations activities are conducted.

The Falcon Heights United Church, located at 1795 Holton Street, is the only other facility within this category.

Institutional (School) - Elementary School

The Falcon Heights Elementary is a K-6 neighborhood school serving approximately 480 students. The school functions under the Roseville Area School system.

Future Directions

It is the current policy of the University to retain ownership of all of its land and that of the State Fair to continue to operate in Falcon Heights. It is the City's intent to encourage both but, recognizing that circumstances change, the City wishes to influence future institutional policy directions to reflect the City's best interests. To that end, the City intends to recognize the present and likely future use of these lands by designating them as public lands, discontinuing the dual P-1/R-1 zoning continued in the 2009 comprehensive plan. Institutional land operated by the City of Falcon Heights including the City Hall, Soccer Fields has not future anticipated change. The Elementary School should continue to operate into future years.

Agricultural and Institutional Lands: Goals and Policies

Agricultural and Institutional Lands: Goals

1. To encourage the State Fair, as it currently operates, to remain in Falcon Heights.
2. To encourage the University of Minnesota to retain its agricultural research lands in Falcon Heights.
3. To continue to communicate and cooperate with University of Minnesota and State Fairground staff in planning considerations which include traffic and pedestrian circulation, conflict avoidance with nearby business and residential areas, visual appearance and drainage considerations.
4. To promote the evolution of a vital civic, cultural and recreational precinct around the Cleveland/Larpenteur intersection that serves both the City and the institutions and provides an attractive gateway to the area.

Agricultural and Institutional Lands: Policies

1. Work with the University of Minnesota and the State Fairground staff to keep informed of any significant changes in long-range development plans.
2. Encourage the University of Minnesota physical plant to expand south of Larpenteur in areas adjacent to the built campus rather than in agricultural lands and open spaces.
3. Encourage the University of Minnesota to formulate future plans for the Larpenteur/Cleveland area to be compatible with nearby cultural and recreational resources, planned and existing.

4. Regulate all non-university development/use of University owned lands.
5. Create a university housing overlay district to establish design guidelines and standards for privately owned university group housing (such as dormitories or fraternities) developed on University owned land that may come into the City’s jurisdiction.
6. Regulate non-State Fair development on the State Fair property.

6. Future Land Use

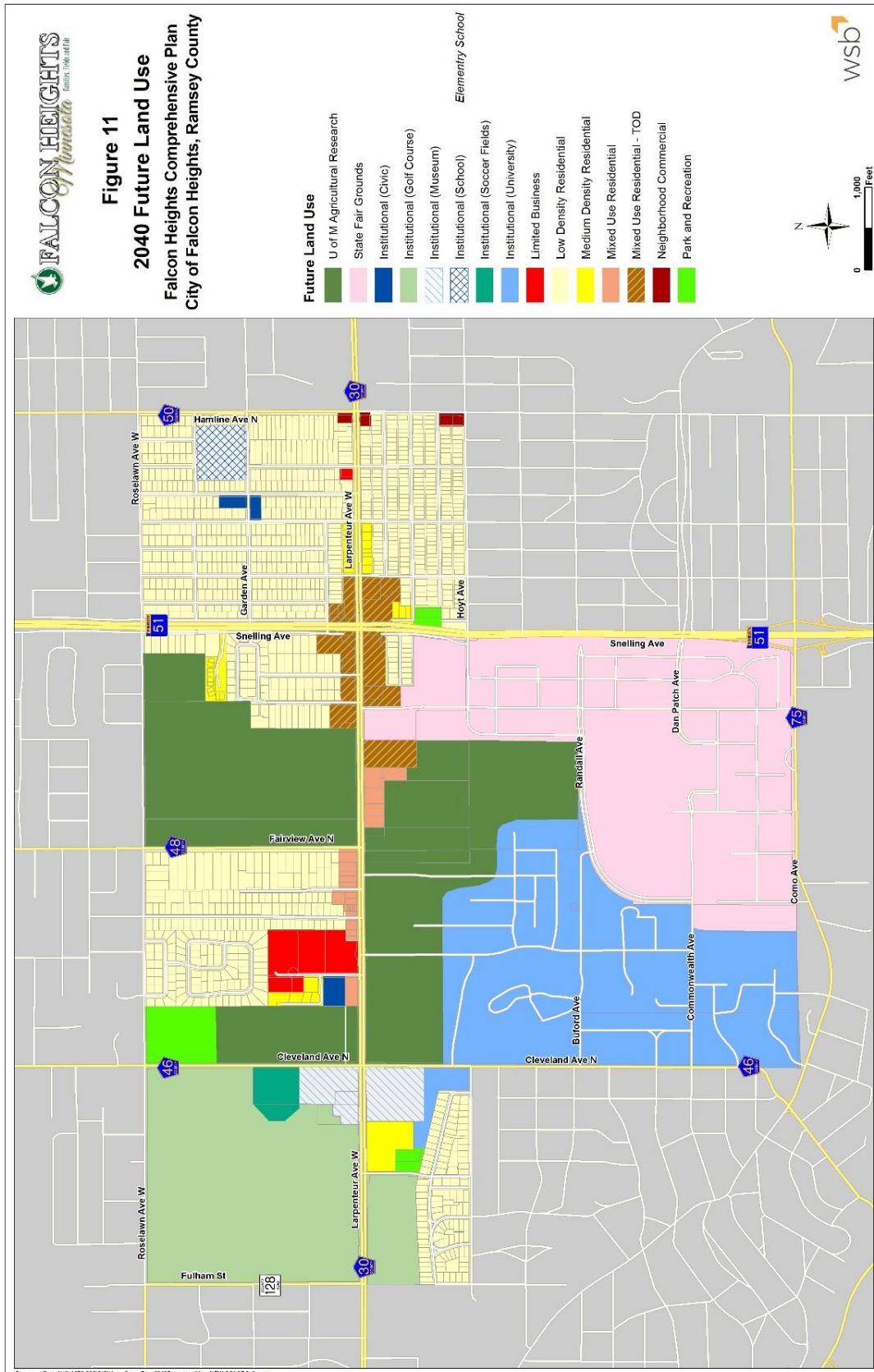
The Future Land Use Plan identifies several categories to guide development and redevelopment in the City of Falcon Heights. These generally include residential uses, commercial uses, mixed use, parks, playgrounds, open space, and institutional. Large acreages of the City are owned by the University of Minnesota or are the State Fair Grounds. In summary, the City of Falcon Heights does not expect large scale changes in land use by 2040. In fact, no new growth is projected to occur past 2020. Therefore, future land use will most likely feature little change. Redevelopment will be market-driven and is most likely to be concentrated along Larpenteur Avenue on sites that are presently zoned for either business or multi-family residential use. The map (Figure 11) is based on assumptions that have been outlined in this section.

- The University of Minnesota including the Golf Course, Agricultural Research, and Bell Museum will not convert any of its land to private use and development. The State Fair Grounds will continue to operate as-is and not convert any of their land for private use or development.
- The market will encourage redevelopment of larger commercial properties along Larpenteur Avenue
- Existing single-family neighborhoods in Falcon Heights will continue to be highly valued places to live.
- There will be demand for additional transit-oriented housing close to Larpenteur Avenue.
- There will be increasing public demand for redevelopment that supports pedestrian and non-motorized access to shopping and public amenities in the city.
- Additional institutional uses including the Elementary School, City Hall and Soccer Fields will remain as they stand and will not switch to private development or use.

Table 16: 2040 Land Use

Land Use	Acres	Percent of Total Acres
U of M Agricultural Research	264.7	18.5%
State Fair Grounds	265.0	18.5%
Institutional (Civic)	4.7	0.3%
Institutional (Golf Course)	162.8	11.4%
Institutional (Museum)	21.3	1.5%
Institutional (School) Elementary School	9.7	0.7%
Institutional (Soccer Fields)	7.8	0.5%
Institutional (University)	222.73	15.6%
Limited Business	16.2	1.1%
Low Density Residential	363.1	25.4%
Medium Density Residential	24.1	1.7%
Mixed Use Residential	22.0	1.5%
Mixed Use Residential - TOD	24.8	1.7%
Neighborhood Commercial	2.7	0.2%
Park and Recreation	18.9	1.3%

FIGURE 11: Future Land Use – 2040





ITEM FOR DISCUSSION

Meeting Date	April 25, 2023
Agenda Item	E2
Attachment	Draft Ordinance
Submitted By	Hannah Lynch, Community Development Coordinator

Item	An Ordinance Amending Chapter 14 of the Falcon Heights City Code Concerning the Licensing of Businesses Selling Cannabinoid Products
Description	<p>The subcommittee of the Planning Commission met April 20, 2023 to review the notes and requested changes from City Council of the last draft of the ordinance amending chapter 14 of City Code.</p> <p>There are still ongoing changes to the bill that was passed, and the Planning Commission should be prepared to make additional changes in the future to this ordinance.</p>
Budget Impact	None.
Attachment(s)	Draft - An Ordinance Amending Chapter 14 of the Falcon Heights City Code Concerning the Licensing of Businesses Selling Cannabinoid Product
Action(s) Requested	Staff requests the Planning Commission review and discuss the draft ordinance and any changes that may need to be made.

ORDINANCE NO. 23-

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 14
OF THE FALCON HEIGHTS
CITY CODE CONCERNING THE LICENSING OF BUSINESSES
SELLING CANNABINOID PRODUCTS
THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. ~~AMENDMENT Chapter 14 of the The~~ City Code of Falcon Heights, Minnesota, ~~Chapter 14~~ is hereby amended to add Article IX as follows:

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ARTICLE IX. – SALE OF CANNABINOID PRODUCTS; LICENSING

DIVISION 1. – GENERALLY

Sec. 14- . – Purpose of article.

The City Council finds the rapid introduction of cannabinoid products, ~~including products containing THC,~~ presents a significant potential threat to the public health, safety, and welfare of the general public and can interfere with brain development in youth and adolescents according to the U.S. Surgeon General.

The City Council finds that a local regulatory system for cannabinoid product retailers is appropriate and not unduly burdensome to ensure retailers comply with the laws and business standards of the city to protect the health, safety, and welfare of our youth, visitors, and all residents.

Sec. 14- . – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning:

Cannabinoid means a chemical compound derived from ~~the cannabis plant or synthetically derived from the cannabis plant~~ an industrial hemp plant.

Cannabinoid product means any edible cannabinoid product ~~or nonedible cannabinoid product~~ authorized for sale in Minnesota Statute and intended for human consumption, ~~whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.~~

HHC means the intoxicating cannabinoid hexahydrocannabinol.

Licensed premises means the premises described in the approved license application.

Movable place of business means a business whose physical location is not permanent or is capable of being moved or changed including, but not limited to, motorized vehicles, mobile sales kiosks, or trailers.

Person means one or more natural persons; a partnership, including a limited partnership; a corporation, including a foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or any other business organization.

Self-service merchandising means a method of displaying Cannabinoid products so that they are accessible to the public without the intervention of an application, licensee or their agents or employees.

~~*THC* means the chemical compound tetrahydrocannabinol whether derived naturally or synthetically from the cannabis plant.~~

Underage person means a natural person who is under the age of 21.

~~*Vending machine* means any mechanical, electric, or electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.~~

DIVISION 2. – LICENSE

Sec. 14- . – Required.

No person shall sell or offer to sell any cannabinoid products without first having obtained a license to do so from the city ~~and any required state license.~~

Sec. 14- . – Licensing procedure.

(a) *Application*. An application for a license to sell cannabinoid products shall be made on a form provided by the city. The application shall include, but is not limited to, the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the proposed licensee, the business location for which the license is sought, and any additional information the city deems necessary. The application and investigation fees shall be paid at the time of application.

(b) *Action*. Upon receipt of a completed application, the city administrator ~~shall~~ or designee shall forward the application to the city council for action at its next regularly scheduled city council meeting. If the city administrator ~~shall determine that~~ an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete. If the city council approves the ~~license application~~, a license shall be issued to the applicant. If

the city council denies the application, a notice of denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decision.

- (c) *Background checks.* Applicants must submit to background checks as provided in chapter 2, article 7 of this code.
- (d) *Mistake.* If a license is mistakenly issued or renewed to an applicant or licensee, it shall be revoked by the city administrator or designee upon the discovery that the person, applicant, or licensee was ineligible for the license under this section.
- (e) *Term.* All licenses are issued for a period of one calendar year. All licenses shall expire on December 31.
- (f) *Transfers.* All licenses issued under this section shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid without the prior approval of the city council.
- (g) *Renewals.* The renewal of a license under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least thirty (30) days but no more than sixty (60) days before the expiration of the current license. The issuance of a license under this article shall be considered a privilege and not an absolute right of the applicant and shall not entitle the licensee to an automatic renewal of the license. If the city council denies the application, a notice of denial shall be given to the applicant along with notice of the applicant's right to appeal the city council's decision.
- (h) *Exemptions:*
 - (1) This article does not apply to medical cannabis products dispensed by a ~~registered~~ medical cannabis dispensary ~~pursuant to Minn. Stat. §§ 152.22 to 152.37~~ registered or licensed under Minnesota Statutes. Medical cannabis dispensaries that sell non-medical cannabis products which are also cannabinoid products are not exempt.
 - (2) This article does not apply to cannabinoid products wherein the only cannabinoids present are non-intoxicating cannabinoids, such as cannabidiol ("CBD") or cannabinal ("CBN").

Commented [HBL1]: Will need to update background check, sect 2-141 – see list.

~~State Law reference – Minn. Stats. § 152.22 to 152.37.~~

Commented [HBL2]: This will probably change.

Sec. 14- . – Denials.

- (a) The following will be grounds for denying the issuance or renewal of a license:

- (1) The applicant or licensee is an underage person.
- (2) The applicant or licensee who, within five years of the license application, has been convicted of a controlled substance-related felony, unless the conviction is related to a non-violent cannabis-related crime.
- (3) The applicant or licensee has had a license to sell cannabinoid products denied, suspended, or revoked within the preceding twelve (12) months of the date of application in the city of Falcon Heights.
- (4) The applicant or licensee fails to provide any information required on the city license application, or provides false or misleading information.
- (5) The applicant or licensee has outstanding fines, penalties, or property taxes owed to the city.
- (6) The applicant or licensee is prohibited by state, or other local law, ordinance, or other regulation from holding a license under this article.
- (7) The proposed premise is a moveable place of business.
- (8) The proposed premise is within 500 feet of an elementary school property as measured from the property line to property line at the nearest point or from property line to the nearest point of the leased premises if the cannabinoid products shop is located in a multi-tenant facility.
- ~~(9) Any taxes or utility bills for the premises for which the license will be issued are delinquent.~~
- ~~(+0)~~(9) Failure to pay the yearly application fee.
- ~~(+1)~~(10) Failure of any person to comply with any of the ordinances of the city or laws of the state, or any conditions/restrictions ~~conditions~~ imposed on a license.

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- (b) The city shall have the discretion to consider denying a license upon any reasonable facts or circumstances relating to public health, safety, and welfare.

DIVISION 3. – RULES AND REGULATIONS

Sec. 14- . – General requirements.

- (a) *Prohibited sales.* No person shall sell, offer for sale, give away, furnish, or otherwise deliver any cannabinoid products:

- (1) To any underage person.
 - (2) By means of any type of vending machine.
 - (3) By means of self-service merchandising.
 - (4) Containing any chemical compound or drug that is a controlled substance under Minnesota Law.
 - (5) That contain any amount of HHC.
 - (6) By any means, or to any person, prohibited by state or local laws.
 - (7) That fails to meet the labeling and/or testing requirements as established in Minnesota Statutes.
- (b) *Sampling of cannabinoid products.* Sampling of cannabinoid products on a licensed premises is prohibited.
- (c) *On-site consumption.* Any cannabinoid product sold may not be consumed and must remain sealed while on the licensed premises. Exemptions to this regulation include on-premise consumption of cannabinoid products at a food and beverage establishment that is licensed by the Minnesota Department of Health and licensed under this article. Food and beverage establishments selling cannabinoid products must provide such product to consumers in original packaging, complete with labeling. Such establishments must abide by all other state and county laws regarding on-premise consumption and sales, including the Minnesota Clean Indoor Air Act (Minn. Stat. §§ 144.411 to 144.417).
- (d) *Employees.* All employees selling cannabinoid products must be ~~21~~18 years of age or older. All licensees under this article shall be responsible for the actions of their employees in regard to the sale of cannabinoid products, and the sale of such products by an employee shall be considered a sale by the licensee. Nothing in this section shall be construed as prohibiting the city from also subjecting the employee to whatever penalties are appropriate under this article, state law, or other applicable laws and regulations.
- (e) *Display.* Every license shall be posted and displayed in plain view of the general public on the licensed premises.
- (f) *Signage.* The licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase cannabinoid products.

- (g) *Delivery.* All sales of cannabinoid products must be completed on the licensed premises. Delivery by the licensee, employee or a third party to the consumer is prohibited.
- (h) *Testing requirements.* All cannabinoid products offered for sale must comply with the testing requirements as set forth in Minnesota Statutes.
- (i) *Labeling requirements.* All cannabinoid products offered for sale must comply with the labeling requirements as set forth in Minnesota Statutes.
- (j) *Responsibility for conduct on premises.* Except as provided in this article, every licensee under this article shall be responsible for the conduct of his place of business and shall maintain conditions of sobriety and order therein.
- (k) *Other regulations.* Except as otherwise provided in this article, licenses under this article shall be governed by the requirements and procedures set for in chapter 14, article 1 of this code.

Sec. 14- . – Compliance checks and inspections.

All licensed premises shall be open to inspection by authorized city officials during regular business hours. From time to time, ~~but at least twice per year,~~ the city ~~shall may~~ conduct compliance checks. Such compliance checks may involve, but are not limited to, inspection of cannabinoid products offered for sale and engaging underage persons to enter the licensed premises to attempt to purchase cannabinoid products.

DIVISION 4. – ENFORCEMENT AND PENALTIES

Sec. 14- . – Penalty.

- (a) *Generally.* Any violation of this article shall be grounds to revoke or suspend a license. Failure of any person to comply with any of the ordinances of the city or laws of the state, or any conditions/restrictions conditions imposed on a license, shall be grounds for suspension or revocation of a license granted under this article. The city shall have the discretion to consider suspending or revoking a license, upon any reasonable facts or circumstances relating to public health, safety, and welfare.
- (b) *Enforcement generally.* The city may seek to enforce this article through criminal prosecution, administrative penalties, and/or civil relief. Nothing in this article shall prohibit the city from seeking misdemeanor prosecution, administrative penalties, or both, and does not affect the city's right to suspend or revoke the license of a licensee as the city council deems appropriate. No administrative penalty or license suspension or revocation may take effect until the licensee or other individual has received notice,

served personally by mail, of the alleged violation and of the opportunity for a hearing regarding the violation of this article.

- (c) *Administrative penalties.* Certain administrative penalties are presumed to be appropriate and shall apply to all premises licensed under this article. The council may deviate from the presumptive penalty where the council finds there exists substantial reasons meriting deviation. When deviating from these standards, the council will provide written findings that support the penalty selected. The following are presumed penalties for violations:

Type of Violation	1 st Violation	2 nd Violation	3 rd Violation	4 th Violation
Sale of cannabinoid products while license is under suspension.	Revocation.	N/A	N/A	N/A
Sale of cannabinoid products to underage person.	\$750.00	\$1,000.00 and 3 days	\$1,500.00 and 6 days	Revocation
Other violations of Minnesota Statutes or this article.	\$250.00	\$500.00 and 3 days	\$1,000 and 6 days	Revocation

*The number of days listed in the table reflect the length of time a license will be suspended.

- (d) *Computation of violations.* Any violation which occurred within two (2) years of the current violation will be counted. Number of days indicate consecutive days' suspension.
- (e) *Administrative penalties process.* The licensee shall be responsible for the conduct of its agents or employees while on the licensed premises. Any violation of this article shall be considered an act of the licensee for purposes of imposing an administrative penalty, license suspension, or revocation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

~~No administrative penalty may take effect until the licensee or other individual has received notice, served personally by mail, of the alleged violation and of the opportunity for a hearing.~~

- (f) *Alternative penalties for use of false identification; persons under age 21.* Persons under 21 years of age who use or attempt to use false identification to purchase ~~c~~cannabinoid products may be subject to cannabinoid-related education classes, diversion programs, community service, or other penalty that the city believes will be appropriate or effective.
- (g) *Summary action.* The city administrator or designee may undertake summary action as permitted by section 14-5.

Sec. 14- . – Severability.

If any provision of this article is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this article.

SECTION 2. EFFECTIVE DATE. This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this day of , 2023, by the City Council of the City of Falcon Heights, Minnesota.

Moved By:

Approved by: _____

Randall C. Gustafson
Mayor

GUSTAFSON ___ In Favor
LEEHY
MEYER ___ Against
WEHYEE
WASSENBERG

Attested by: _____

Jack Linehan
City Administrator

DRAFT



ITEM FOR DISCUSSION

Meeting Date	April 25, 2023
Agenda Item	E3
Attachment	Draft Ordinance
Submitted By	Hannah Lynch, Community Development Coordinator

Item	An Ordinance Amending Chapter 2 of the Falcon Heights City Code Concerning City Licensing
Description	The addition to chapter 14 regarding the licensing of business selling cannabinoid products includes references to background checks as outlined in chapter 2 of City Code. The drafted changes are necessary to bring City Code up to date assuming the passage of ordinance amending chapter 14.
Budget Impact	None.
Attachment(s)	Draft - An Ordinance Amending Chapter 2 of the Falcon Heights City Code Concerning City Licensing
Action(s) Requested	Staff requests the Planning Commission review and discuss the draft ordinance and any changes that may need to be made.

ORDINANCE NO. 23-

CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 2
OF THE FALCON HEIGHTS
CITY CODE CONCERNING CITY LICENSING
THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Section 2-140 of the City Code of Falcon Heights, Minnesota, is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

Sec. 2-140 – Applicants for city employment

Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota’s computerized criminal history information for specified non-criminal purposes of city employment background checks.

Criminal history employment background investigations. The city’s contracted law enforcement agency ~~St. Anthony Police Department~~ is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for all regular part-time or full-time positions in the City of Falcon Heights and other positions that work with children, vulnerable adults or require a valid driver’s license as an essential qualification of the position. The city’s hiring authority may conclude that a background investigation is not needed.

In addition to the city’s contracted law enforcement agency, ~~St. Anthony Police Department~~, the city is also required to access criminal data by using the services provided by the bureau of criminal apprehension and paying the associated fee for positions that work with children under the Child Protection Background Check Act (Minn. Stat. § 299C.61 and .62).

In conducting the criminal history background investigation in order to screen employment applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension’s computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the police department to the hiring authority, including the city council, the city administrator or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to begin the investigation. The written consent must fully comply with the provisions of Minn. Stats. ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stats. § 364.09, the city will not reject an applicant for employment on the basis of the applicant’s prior conviction unless the crime is

directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant for employment on this basis, the city shall notify the applicant in writing of the following:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minn. Stats. § 364.06.
- (3) The earliest date the applicant may reapply for employment.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. No. 12-08, §§ 1, 2, 9-26-2012)

Editor's note – Ord. No. 12-08 §§ 1, 2, adopted Sept. 26, 2012, repealed § 2-140 and enacted a new § 2-140 to read as set out herein. Former § 2-140 pertained to purpose; procedures and derived from Ord. No. 06-05, § 1, adopted Dec. 13, 2006.

SECTION 2. Section 2-141 of the City Code of Falcon Heights, Minnesota, is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

Sec. 2-141 – Applicants for city licenses

Purpose. The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of licensing background checks.

Criminal history license background investigations. The city's contracted law enforcement agency ~~St. Anthony Police Department~~ is hereby required, as the exclusive entity within the city, to do a criminal history background investigation on the applicants for the following licenses within the city:

City Licenses:

- Peddler, solicitor and transient merchant;
- Massage therapist;
- Owners of liquor establishments;
- Owners of businesses selling cannabinoid products.

In conducting the criminal history background investigation to order to screen license applicants, the police department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the

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police department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the police department to the licensing authority, including the city council, the city administrator or other city staff involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the police department by written consent to begin the investigation. The written consent must fully comply with the provisions of Minn. Stats. Ch. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minn. Stats. §364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the city rejects the applicant's request on this basis, the city shall notify the applicant in writing of the following:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in Minn. Stats. § 364.06.
- (3) The earliest date the applicant may reapply for the license.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord. No. 12-08 § 3, 9-26-2012)

SECTION 3. EFFECTIVE DATE. This ordinance shall be effective upon its passage and a summary published in the official newspaper.

ADOPTED this day of , 2023, by the City Council of the City of Falcon Heights, Minnesota.

Moved By:

Approved by: _____
Randall C. Gustafson
Mayor

GUSTAFSON ___ In Favor
LEEHY
MEYER ___ Against
WEHYEE
WASSENBERG

Attested by: _____
Jack Linehan
City Administrator