

# City of Falcon Heights Planning Commission

City Hall  
2077 Larpentour Avenue West

## AGENDA

Tuesday, November 26, 2024  
7:00 p.m.

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

B. ROLL CALL:

Scott Wilson \_\_\_\_

Laura Paynter \_\_\_\_

Jacob Brooks \_\_\_\_

Mike Tracy \_\_\_\_

Jim Mogen \_\_\_\_

Rick Seifert \_\_\_\_

Jake Anderson \_\_\_\_

Staff Liaison - Hannah Lynch \_\_\_\_

Council Liaison - Eric Meyer \_\_\_\_

C. APPROVAL OF AGENDA

D. APPROVAL OF MINUTES

1. September 24, 2024 - Regular Meeting
2. October 22, 2024 - Workshop

E. PUBLIC HEARING

1. Cannabis Businesses

F. NEW BUSINESS

1. None.

G. INFORMATION AND ANNOUNCEMENTS

1. Staff Liaison Report
2. Council Liaison Report

H. ADJOURN

*December 24, 2024 meeting will be canceled due to Christmas Eve.  
Next regular meeting date: January 28, 2025*

**CITY OF FALCON HEIGHTS**  
Planning Commission  
City Hall  
2077 West Larpenteur Avenue

MINUTES

September 24, 2024 at 7:00 P.M.

**A. CALL TO ORDER: 7:00 P.M.**

**B. ROLL CALL:**

Scott Wilson \_X\_                      Laura Paynter \_X\_  
Jacob Brooks \_X\_                      Mike Tracy \_A\_  
Jim Mogen \_A\_                         Rick Seifert \_X\_  
Jake Anderson \_X\_

Staff Liaison Lynch \_X\_  
Council Liaison Meyer \_X\_

**C. APPROVAL OF AGENDA**

*Commissioner Anderson made a motion to approve the agenda. Agenda was approved by consent.*

**D. APPROVAL OF MINUTES**

1. August 27, 2024

*Commissioner Paynter made a motion to approve the minutes from August 27, 2024. Agenda was approved by consent.*

**E. PUBLIC HEARING**

1. None.

**F. NEW BUSINESS**

1. Adult-Use Cannabis Discussion

*Staff Liaison Lynch gave an overview of state guidelines for cannabis businesses and what is under the City's control. She stated she was looking for feedback from the Planning Commission and guidance on if the City would like to look into buffers from schools/daycares/residential treatment facilities/parks, if the City wants to restrict hours of operation, how many businesses the City would like to permit to be located within the City limits, and other items the City may have control over.*

*Commissioner Anderson asked if St. Paul issued a 500' buffer around schools, if Falcon Heights would have to match that to incorporate the school on the St. Paul side of the intersection at Hoyt and Hamline. Staff Liaison Lynch stated no, the cannabis business would need to go by the guidelines of the City it is locating in but surrounding cities do not have to match their neighbors.*

*Commissioner Wilson asked if a daycare center were to locate in the City after a cannabis business was already located there, and it was within whatever buffer the City chooses, if they could ask for the cannabis business to be removed or protest it. Staff Liaison Lynch stated no, if a daycare comes in after and chooses to locate within the buffer from a cannabis store, they would have no authority to ask the business to leave. As long as the cannabis retailer registration is active and being renewed, they have the authority to be located in that location if they were registered with the City first.*

*Commissioners discussed a 500' buffer around sport fields and playgrounds, and Curtiss Field specifically. They discussed that this could have an impact on Falcon Heights Town Square, however that development would need to come back before the City Council to amend their PUD.*

*Commissioners discussed locating these businesses in the B-3 zoning district, limiting the number of businesses registered by the City to one, limiting hours of operation to between 10 AM and 9 PM, 7 days a week, and including a 1000' buffer around schools and 500' buffer around daycares, residential treatment facilities, and parks/playgrounds/sports fields.*

## **G. INFORMATION AND ANNOUNCEMENTS**

### **1. Staff Liaison Report**

*Staff Liaison Lynch reported the City would be holding a Fall Fest on October 26, 2024 at City Hall. She also announced dates for free mattress recycling which does require online sign up.*

### **2. Council Liaison Report**

*Council Liaison Meyer reported the City would be holding Falcon Heights Trivia at Stout's on October 29, 2024.*

## **H. ADJOURN**

*Commissioner Seifert made a motion to adjourn. Motion was carried by consent. Meeting was adjourned at 7:56 PM.*

**CITY OF FALCON HEIGHTS**  
Planning Commission  
City Hall  
2077 West Larpenteur Avenue

**WORKSHOP MINUTES**

October 22, 2024 at 7:00 P.M.

**A. CALL TO ORDER: 7:00 P.M.**

**B. ROLL CALL:**

Scott Wilson <u>  X  </u>	Laura Paynter <u>  X  </u>
Jacob Brooks <u>  X  </u>	Mike Tracy <u>  X  </u>
Jim Mogen <u>  X  </u>	Rick Seifert <u>  X  </u>
Jake Anderson <u>  X  </u>	

Staff Liaison Lynch   X    
Council Liaison Meyer   X  

**C. NEW BUSINESS**

**1. Adult-Use Cannabis Discussion**

*Staff Liaison Lynch gave a brief overview of the proposed restrictions for cannabis retail businesses as discussed by the Planning Commission at previous minutes. She reminded Commissioners that they were wanting to restrict these businesses to the B-3 district and reminded them of the 1000' setback from schools and the 500' setback from daycares, residential treatment facilities, and recreational areas where children are frequently present. This was the main topic of conversation in the discussion.*

*Commissioner Mogen stated the distance from these areas do not do much in the way of preventing access to cannabis, and these retail stores should have the same regulations as liquor stores. Staff Liaison Lynch stated the 500' distance in particular could prevent much of the B-3 district from being permitted to have a cannabis retailer if a daycare were to be put into Falcon Town Square or a nearby residential location. Commissioner Anderson agreed it would make sense to remove the 500' restriction. Commissioner Paynter suggested removing the 500' setback and keeping the 1000' setback from schools. Commissioner Tracy agreed with this. Staff Liaison Lynch explained that could be a good option, but the 1000' distance doesn't actually touch the B-3 district and thus would not matter ultimately. Commissioner Seifer suggested changing the 500' setback to 300'. Commissioner Wilson suggested removing daycares from the 500' setback. Commissioner Brooks suggested putting in the strictest allowable restrictions. After polling the Commission, most were for removing all distance restrictions and just making them permitted in the B-3 zoning district.*

*Commissioner Brooks requested Staff Liaison Lynch look into if more restrictions could be placed on the lower potency edibles and beverages, and possibly align this more with alcohol. Staff Liaison Lynch stated she would look into this.*

#### **D. INFORMATION AND ANNOUNCEMENTS**

**1. Staff Liaison Report**

*Staff Liaison Lynch reminded Commissioners of the Falcon Heights Fall Fest on October 26. The Fest will be from 2-5 PM with a 75<sup>th</sup> Anniversary Celebration of the city happening before that, from 1-2 PM in City Hall. She also requested Commissioners fill out the Climate Action Plan survey and to spread the word about the Climate Action Team that will be forming.*

**2. Council Liaison Report**

*Council Liaison Meyer echoed the sentiments about the Fall Fest and stated the policing contract would be up for discussion and a vote at the next evening's City Council meeting.*

#### **E. ADJOURN**

*Workshop was adjourned at 8:25 PM.*

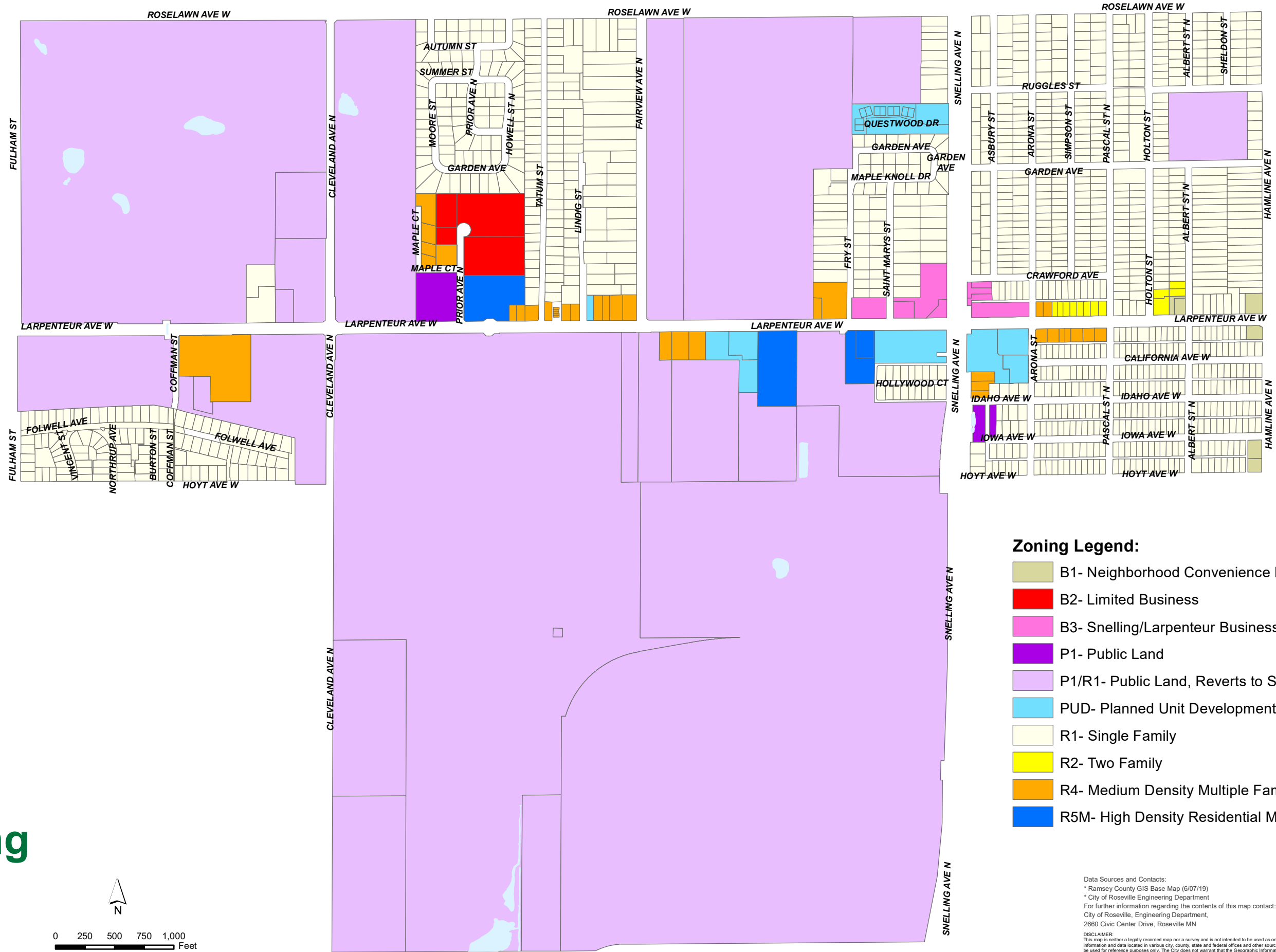


## ITEM FOR DISCUSSION

<b>Meeting Date</b>	November 26, 2024
<b>Agenda Item</b>	E-1
<b>Attachment</b>	See below.
<b>Submitted By</b>	Hannah Lynch, Community Development Coordinator

<b>Item</b>	Cannabis Regulations
<b>Description</b>	<p>The Minnesota Office of Cannabis Management has issued a Guide for Local Governments on Adult-Use Cannabis and a model ordinance for zoning changes and registration with the new law around Minnesota’s new adult-use cannabis law.</p> <p>The City of Falcon Heights currently has a moratorium on permitting cannabis businesses until January 2025.</p> <p>How are local governments involved?</p> <ul style="list-style-type: none"> <li>• Local governments serve as a near-final approval check on cannabis businesses nearing the awarding of a state license for operations. Once an applicant has been vetted by OCM and is selected for proceeding in the verification process, they are then required to receive the local government’s certification of zoning compliance and, if applicable, retail registration before operations may commence.</li> <li>• Local governments may issue a retail registration after verifying the business has a valid license or license preapproval issued by OCM and has paid a registration fee or renewal fee to the local government.</li> <li>• Local governments may not issue outright bans on cannabis businesses or limit operations in a manner beyond what is provided by state law.</li> </ul> <p>What can local government do?</p> <ul style="list-style-type: none"> <li>• Limit the number of retailers and microbusiness/mezzobusinesses with retail endorsements within the City, as long as there is at least one retail location per 12,500 residents. (Can issue more permits than this, however)</li> <li>• Local governments may adopt an ordinance limiting hours of operation between 10 a.m. and 9 p.m. seven days a week, and that State statute prohibits the sale of cannabis between 2 a.m. and 8 a.m. Monday through Saturday, and between 2 a.m. and 10 a.m. on Sundays.</li> <li>• Local governments may prohibit the operation of a cannabis business within 1,000 feet of a school, or 500 feet of a daycare, residential</li> </ul>

	<p>treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field.</p> <ul style="list-style-type: none"> <li>• Local governments may zone businesses under existing zoning ordinances in accordance with the license type or endorsed activities held by the cannabis business.</li> <li>• The local government can determine if the use requires a Conditional Use Permit.</li> <li>• Local governments <b>must</b> conduct compliance checks for cannabis and hemp businesses holding retail registration at least once per calendar year. These checks must verify compliance with age verification procedures and compliance with any applicable local ordinances.</li> </ul> <p>The City Council held a workshop to discuss these businesses and registration requirements. At the last Planning Commission workshop, it was discussed removing the buffer around schools, daycares, residential treatment facilities, and areas (parks) where minors gather, however the City Council believes it may be prudent to include a 300' buffer. They were in agreement that the cap remain at one business in the City and limiting the hours of operation to 10 AM – 9 PM, 7 days/week.</p>
<b>Budget Impact</b>	None.
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Zoning Map with Buffers</li> <li>• Zoning Map</li> <li>• Public Hearing Notice - Newspaper Published</li> <li>• Newspaper Affidavit of Publication for Public Hearing Notice</li> <li>• Public Hearing Notice - Posted at City Hall</li> <li>• Draft Ordinance 24-08 Amending Chapter 113 of the Falcon Heights City Code Allowing and Establishing Regulations for Cannabis Retail Establishments</li> </ul>
<b>Action(s) Requested</b>	<p>Staff requests a public hearing be held regarding proposed changes to Chapter 113 and the Planning Commission have a discussion around comments and the changes requested by City Council. Staff recommends a motion to recommend approval to City Council of the attached ordinance to amend Chapter 113 of Falcon Heights City Code allowing and establishing regulations for cannabis retail establishments as drafted.</p>



**Zoning Legend:**

- B1- Neighborhood Convenience Business
- B2- Limited Business
- B3- Snelling/Larpenteur Business District
- P1- Public Land
- P1/R1- Public Land, Reverts to Single Family
- PUD- Planned Unit Development
- R1- Single Family
- R2- Two Family
- R4- Medium Density Multiple Family and Townhouses
- R5M- High Density Residential Mixed Use

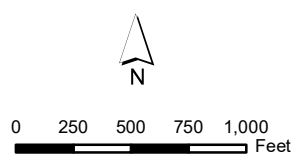
Data Sources and Contacts:  
 \* Ramsey County GIS Base Map (6/07/19)  
 \* City of Roseville Engineering Department  
 For further information regarding the contents of this map contact:  
 City of Roseville, Engineering Department,  
 2660 Civic Center Drive, Roseville MN

DISCLAIMER:  
 This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and federal offices and other sources regarding the area shown, and is to be used for reference purposes only. The City does not warrant that the Geographic Information System (GIS) Data used to prepare this map are error free, and the City does not represent that the GIS Data can be used for navigational, tracking or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. If errors or discrepancies are found please contact 651-792-7075. The preceding disclaimer is provided pursuant to Minnesota Statutes §466.03, Subd. 21 (2000), and the user of this map acknowledges that the City shall not be liable for any damages, and expressly waives all claims, and agrees to defend, indemnify and hold harmless the City from any and all claims brought by User, its employees or agents, or third parties which arise out of the user's access or use of data provided.

# Zoning



Prepared by:  
 City of Roseville Engineering Department  
 June 19, 2019

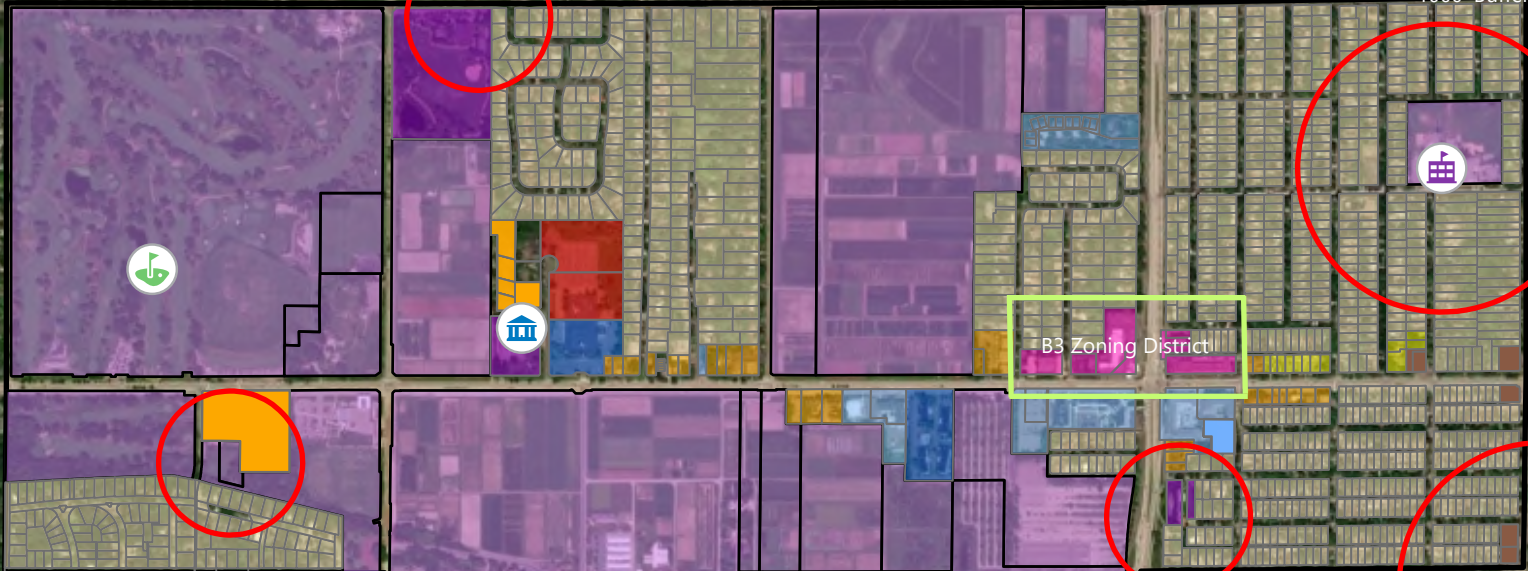


mapdoc: BaseMap.mxd  
 map: BaseMap.pdf



Community Park - 500' Buffer

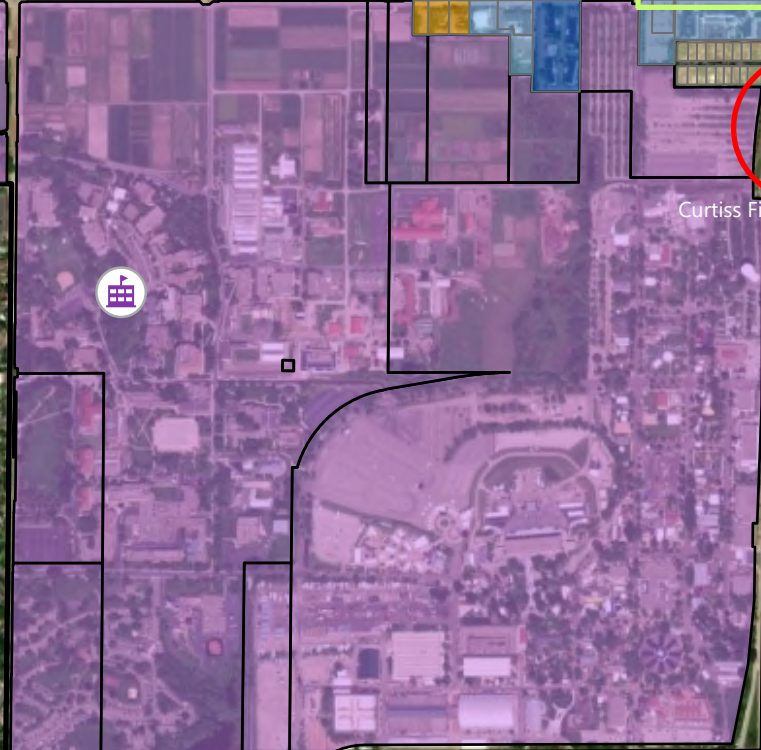
Falcon Heights Elementary School - 1000' Buffer



Grove Park - 500' Buffer

Curtiss Field - 500' Buffer

Chelsea Heights Elementary School - 1000' Buffer



**CITY of FALCON HEIGHTS**  
***PUBLIC HEARING NOTICE***

Notice is hereby given that the Falcon Heights Planning Commission at its regular meeting at 7:00 p.m. on November 26, 2024, in the City Hall Council Chambers, 2077 W. Larpenteur Ave, will hold a public hearing to consider an amendment to Chapter 113 of City Code permitting cannabis businesses in the City of Falcon Heights.

The proposed updates will be available upon request no later than Friday, November 22, 2024. It will also be available on the City's website. If you have any questions regarding the public hearing, please contact Hannah Lynch, Community Development Coordinator at (651) 792-7600 or [hannah.b.lynch@falconheights.org](mailto:hannah.b.lynch@falconheights.org).

**AFFIDAVIT OF PUBLICATION  
STATE OF MINNESOTA  
COUNTY OF RAMSEY**

I, Kayla Tsuchiya, being duly sworn on oath, says: that she is, and during all times herein state has been, Inside Sales Representative of Northwest Publication, LLC., Publisher of the newspaper known as the Saint Paul Pioneer Press, a newspaper of General circulation within the City of St. Paul and the surrounding Counties of Minnesota and Wisconsin including Ramsey and Kanabec.

That the notice hereto attached was cut from the columns of said newspaper and was printed and published therein on the following date(s):

Saturday, November 16, 2024  
Monday, November 18, 2024

Newspaper Ref./AD Number#: 71524245  
Client/Advertiser: City of Falcon Heights

Kayla Tsuchiya  
Kayla Tsuchiya (Nov 18, 2024 11:47 CST)  
\_\_\_\_\_  
**AFFIANT SIGNATURE**

**Subscribed and sworn to before me this  
18th day of November, 2024**

**True Lee**  
  
True Lee (Nov 18, 2024 13:03 CST)  
\_\_\_\_\_  
**NOTARY PUBLIC**

**Ramsey County, MN  
My commission expires January 31, 2025**



**270 Legal Notices**

**CITY of FALCON HEIGHTS  
PUBLIC HEARING NOTICE**

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# CITY OF FALCON HEIGHTS, MINNESOTA

## PUBLIC HEARING NOTICE

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Dated: November 14, 2024



Hannah B. Lynch  
Community Development Coordinator  
City of Falcon Heights, Minnesota

**ORDINANCE NO. 24-08**

**CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 113 OF THE FALCON HEIGHTS CITY  
CODE ALLOWING AND ESTABLISHING REGULATIONS FOR CANNABIS RETAIL  
ESTABLISHMENTS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

**SECTION I.** The following definitions in Section 113-3 of the City Code of Falcon Heights, Minnesota, are hereby added, amended to read, or deleted as follows (Deletions are shown with a strikethrough. Additions are underlined):

*Cannabis retail establishment* means a cannabis business with a license or endorsement authorizing the retail sale of cannabis flower, cannabis plants, or cannabis products.

*Lower-Potency Hemp Edible Retailer* has the meaning as established in Minnesota Statutes Chapter 342, as amended.

*Special event* means any temporary, outdoor privately-sponsored event open to the general public and held on privately owned property, ~~except:~~ Special events including cannabis events licensed under Minnesota Statutes Chapter 342 regardless of size, but do not include:

- (1) Any permanent place of worship, stadium, athletic field, arena, theater, auditorium;
- (2) Any event conducted on the campus of the University of Minnesota or the grounds of the Minnesota State Fair;
- (3) Special events or activities sponsored by the city;
- (4) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, wedding receptions, funerals and funeral processions;
- (5) Garage sales and residential boutique sales as regulated in section 113-174;
- (6) Block parties and neighborhood meetings;
- (7) Any event attended by fewer than 150 persons at one time which does not require any special services and does not involve the sale of alcohol;
- (8) Any event that is other regulated by the city through the use of another regulatory manner, such as an interim use permit or conditional use permit; and
- (9) The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

**SECTION II.** Section 113-179(c) of the City Code of Falcon Heights, Minnesota, is hereby amended to add new subsections (36) and (37) to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

(36) Cannabis retail establishment, subject to additional standards as specified in section 113-255.

(37) Lower-potency hemp edible retail, subject to additional standards as specified in section 113-255.

**SECTION III.** Section 113-255 of the City Code of Falcon Heights, Minnesota is hereby added to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

**Sec. 113-255 – Cannabis or hemp retail establishments.**

A cannabis business with a license or endorsement authorizing the retail sale or any lower-potency hemp edible retailer must meet the following requirements and all requirements as outlined in Chapter 14, Article X:

- (1) No individual or entity may operate a state-licensed cannabis retail business within the City of Falcon heights without first registering with the City of Falcon Heights. See Chapter 14, Article X for requirements.
- (2) Only one cannabis retailer, cannabis microbusiness with a retail endorsement, or cannabis mezzobusiness with a retail endorsement shall be permitted in the City of Falcon Heights at a time.
- (3) Cannabis retailer distance restrictions.
  - a. No registered cannabis retail business may be located within 300 feet of any primary and secondary school, measured from the property line of the school to the principal structure of the cannabis retail business.
  - b. No registered cannabis retail business may be located within 300 feet of any daycare, residential treatment facility, or attraction within a public park that is regularly used by minors, including a playground or athletic field, measured from the nearest property line of a daycare, residential treatment facility, or attraction within a public park that is regularly used by minors to the principal structure of the cannabis retail business.
  - c. This restriction does not apply to lower-potency hemp edible retailers.
- (4) Sales of approved products at a registered cannabis retail business are only allowed between the hours of 10 a.m. and 9 p.m. seven days per week.
- (5) No registered retail establishment may allow on-site consumption of cannabis flower, cannabis products, or lower-potency hemp edible products on the premises unless expressly permitted to do so by the terms of its license from the State of Minnesota.
- (6) Smoking is prohibited within the indoor and outdoor area of any registered cannabis retail establishment, including patios, decks, porches, and any similar

- area related to the registered retail establishment.
- (7) A cannabis retail establishment is prohibited from sharing a common entrance with a business licensed as a tobacco products shop.
  - (8) All operations of the business shall take place within an enclosed building.

**SECTION IV.** Section 113-315(r)(14) of the City Code of Falcon Heights, Minnesota, is hereby amended to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- r. Retail, including cannabis retail establishments and lower-potency edible hemp retailers. One space for each 150 square feet of gross floor area.

**SECTION V.** Section 113-402 of the City Code of Falcon Heights, Minnesota is hereby amended to add a new subsection (6) to read as follows (Deletions are shown with a strikethrough. Additions are underlined):

- (6) Cannabis consumption. The on-site consumption of cannabis or cannabis products, including lower-potency hemp edibles or beverages, is prohibited at all special events.

**SECTION VI. Effective date.** This ordinance is effective immediately upon its passage and publication.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: \_\_\_\_\_  
Randall C. Gustafson, Mayor

ATTEST:

\_\_\_\_\_  
Jack Linehan, City Administrator

**Addition to Planning Commission Packet – Added November 25, 2024 – Resident email to City Planner regarding cannabis businesses.**

## Cannabis business in Falcon Heights




Gary Rost <garyadguard-falheights@yahoo.com>

To ○ Hannah B. Lynch



Fri 11/22/2024 7:22 PM

 Follow up. Start by Monday, November 25, 2024. Due by Monday, November 25, 2024.  
You replied to this message on 11/25/2024 8:14 AM.

You don't often get email from [garyadguard-falheights@yahoo.com](mailto:garyadguard-falheights@yahoo.com). [Learn why this is important](#)

**Caution:** This email originated outside our organization; please use caution.

Hello Hannah,

I read in the city newsletter about the public hearing to consider having the city code permit a cannabis business. Coincidentally, I happen to be reading about the cannabis industry the past week. It's a really mediocre industry. There is a high probability that if a cannabis business did move into the city, it would ultimately go bankrupt. Here are some articles you can forward to the Planning Commission:

<https://www.forbes.com/sites/benjaminadams/2024/07/26/only-27-of-us-cannabis-businesses-are-profitable-survey-shows/>

<https://www.politico.com/news/2022/09/04/weed-companies-cant-make-money-00054541>

<https://time.com/6184704/legal-marijuana-economics/>

<https://www.forbes.com/councils/forbesbusinessdevelopmentcouncil/2020/10/19/the-challenges-of-running-a-legitimate-cannabis-business-out-of-a-duffel-bag-filled-with-cash/>

<https://www.sfgate.com/cannabis/article/failed-california-cannabis-distributor-18496585.php>

Gary