



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	August 24, 2010
Agenda Item	1
Title	Ordinances updating the Falcon Heights zoning code and rezoning certain properties to be consistent with the City's adopted comprehensive plan
Submitted By	Deborah Jones, Staff Liaison

Description	Falcon Heights is required to update its zoning code and districts to be consistent with its adopted comprehensive plan.
Background	<p>All cities in the metropolitan area were required by the Metropolitan Planning Act to create a new comprehensive land use plan in 2008. The Falcon Heights 2030 Comprehensive Plan was created with broad input from the community, reviewed by adjacent cities, approved by the Planning Commission, the City Council and the Metropolitan Council, and formally adopted in June, 2009.</p> <p>The City's comprehensive plan was required to designate enough land for the development of the additional housing expected to be needed in Falcon Heights by 2030, approximately 250 additional households. Because Falcon Heights is already fully developed, the plan designated several larger private properties as candidates for possible redevelopment to meet this goal. They are</p> <ul style="list-style-type: none"> • South third of Spire Credit Union, adjacent to Larpenteur Avenue • the west portion of TIES (site of old Falcon Heights fire station and city hall) • Hermes Nursery • Larpenteur Manor apartments <p>Now the City is required by statute to amend its code and zoning districts to be in line with its adopted comprehensive plan. The purpose of the ordinances under consideration is to perform this required update.</p> <p>The owners of the four sites were all notified of the prospective zoning change the first week of August and staff discussed the changes with those who responded. The City has not received any negative comment from these owners.</p> <p>Owners of surrounding properties within 350 feet were notified by mailing two weeks in advance of this hearing and notice was published in the Roseville Review, the City's official newspaper. No comment, pro or con, was received by Thursday, August 19.</p> <p>The secondary purpose of the proposed code amendment ordinance is to make the City's existing R-4 multi-family residential district more consistent with actual housing densities in that district (averaging about 28 units per acre) and to provide for an R-3 medium density housing district appropriate for future town home and similar redevelopment. These adjustments were called for in the comprehensive plan.</p>
Budget Impact	None at this time

Attachment(s)	<ul style="list-style-type: none"> • Proposed ordinance establishing R-5M mixed use, high density residential district, establishing R-3 medium density residential district and amending the R-4 multi-family district • Proposed ordinance rezoning four Falcon Heights sites as R-5M • Map showing proposed rezoning sites (This was also sent with mailed notices) • Legal notice of hearing • Mailed notice sent to owners of properties within 350 feet of parcels proposed for rezoning • “Frequently Asked Questions” information sheet sent to owners of properties within 350 feet • Map of properties that received mailed notice (Additional properties outside the 350 foot radius on Hollywood Court and Maple Court were included in the mailing.)
Additional Resources	<ul style="list-style-type: none"> • City of Falcon Heights Comprehensive Plan, adopted 2009 * • Metropolitan Land Planning Act, Minnesota Statutes Chapter 473, Sections 473.851 o 473.871 (2007) http://www.metrocouncil.org/about/statutes.pdf • Falcon Heights City Code, Chapter 113 (Zoning) * <p>* Available on the Falcon Heights website: www.falconheights.org or at City Hall. Commissioners should bring their copies to the meeting if possible.</p>
Action(s) Requested	<ul style="list-style-type: none"> • Hold a public hearing on the proposed ordinance • Make a recommendation to the City Council

ORDINANCE NO. _____

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

**AN ORDINANCE AMENDING CHAPTER 113 OF THE CITY CODE
ESTABLISHING A MIXED USE HIGH DENSITY RESIDENTIAL ZONING
DISTRICT AND A HIGH DENSITY RESIDENTIAL DISTRICT**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

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

Apartment building. The term “apartment building” means a multi-family dwelling that may be owner occupied or rental, including condominiums and cooperatives.

SECTION 2. Section 113-144(1) of the Falcon Heights City Code is amended to provide:

- (1) Residential districts:
- a. R-1 one-family residential district.
 - b. R-2 one- and two-family residential district.
 - c. R-3 medium density multiple-family residential district-apartment buildings.
 - d. R-4 high density multiple-family residential district-apartment buildings.
 - e. R-5M mixed use high density residential district.

SECTION 3. Section 113-176 of the Falcon Heights City Code is amended to provide as follows:

Sec. 113-176. R-3 medium density multiple-family residential district-apartment buildings.

(a) *Scope.* The provisions of this section apply to the R-3 medium density multiple-family residential district.

(b) *Permitted uses.* All permitted uses in the R-2 district.

(c) *Conditional uses.* No structure or land shall be used for the following uses except by conditional use permit, except that multifamily dwellings shall not exceed 12 per acre.

- (1) Any conditional use permitted in the R-1 and R-2 districts.
- (2) Conversion or enlargement of existing homes to accommodate one-, two-, three- or four-dwelling units.
- (3) Large group homes as defined in this chapter.
- (4) Townhouses. See performance standards as permitted in article VI, division 3 of this chapter.
- (5) Buildings containing two or more dwelling units not exceeding 12 dwelling units per acre.

(d) *Permitted accessory uses.* The following uses shall be permitted accessory uses:

- (1) All accessory uses as permitted in the R-1, R-2 districts.
- (2) Conversion or enlargement as required by terms of a conditional use permit.

(e) *Lot area, height, lot width and yard requirements.*

- (1) See performance standards as permitted in article VI, division 3 of this chapter (or as required by conditional use permit).
- (2) No structure or building shall exceed three stories, or 30 feet, whichever is lesser in height, except as provided in section 113-243.
- (3) A side yard abutting on a street shall not be less than 30 feet in width, and when a side yard of a multi-family structure abuts a single family residence, the side yard shall not be less than 20 feet.
- (4) The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 113-241.

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

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

SECTION 4. Chapter 113 of the Falcon Heights City Code is amended by adding Section 113-181 to provide as follows:

Sec. 113-181. R-4 high density multiple-family residential district-apartment buildings.

- (a) *Scope.* The provisions of this section apply to the R-4 high density multiple-family residential district.
- (b) *Permitted uses.* All permitted uses in the R-2 district.
- (c) *Conditional uses.* No structure or land shall be used for the following uses except by conditional use permit, except that multifamily dwellings shall not exceed 12 per acre.
- (1) Any conditional use permitted in the R-1 and R-2 districts.
 - (2) Conversion or enlargement of existing homes to accommodate one-, two-, three- or four-dwelling units.
 - (3) Large group homes as defined in this chapter.
 - (4) Townhouses. See performance standards as permitted in article VI, division 3 of this chapter.
 - (5) Buildings containing three or more dwelling units not exceeding 28 dwelling units per acre. A maximum of 40 dwelling units per acre are allowed if:
 - i) at least 80% of the required parking spaces are below grade and integrated into the apartment building; and
 - ii) the property abuts Larpenteur or Snelling Avenue; and
 - iii) the property does not abut property zoned R-1.

(d) *Permitted accessory uses.* The following uses shall be permitted accessory uses:

- (1) All accessory uses as permitted in the R-1, R-2 districts.
- (2) Conversion or enlargement as required by terms of a conditional use permit.

(e) *Lot area, height, lot width and yard requirements.*

- (1) See performance standards as permitted in article VI, division 3 of this chapter (or as required by conditional use permit).
- (2) No structure or building shall exceed three stories, or 30 feet, whichever is lesser in height, except as provided in section 113-243.
- (3) A side yard abutting on a street shall not be less than 30 feet in width, and when a side yard of a multi-family structure abuts a single family residence, the side yard shall not be less than 20 feet.
- (4) The following minimum requirements shall be observed subject to additional requirements except as a modification set forth in this section and section 113-241.

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

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

SECTION 5. Chapter 113 of the Falcon Heights City Code is amended by adding Section 113-182 to provide:

Sec. 113-182. R-5M Mixed use high density residential district.

(a) *Scope.* The provisions of this section apply to the R-5M Mixed Use High Density Residential District.

(b) *Purpose and intent.* The purpose of the Mixed Use High Density Residential District is to provide high density, primarily apartment style, rental and condominium housing with limited commercial uses within the same structure. The intent of the district is to meet or exceed the City’s Comprehensive Plan density goal of 28 residential units per acre.

- (c) *Permitted uses.*
 - (1) Apartment buildings with a maximum of 40 dwelling units per acre.
 - (2) Permitted uses in the B-2 zoning district.
 - (3) State licensed residential facilities serving from 7 through 16 persons.
 - (4) State licensed day care facilities serving from 13 to 16 persons
- (d) *Conditional uses.*
 - (1) Conditional uses in the B-2 zoning district
 - (2) Public parks and playgrounds.
 - (3) Municipal buildings and structures.
 - (4) Essential service structures.
- (e) *Interim uses.* Farmer's markets that meet the following criteria: Operate no more than one day per week; site includes not less than 284 parking spaces for customers of the market; market may not operate before 6:30 a.m. or after 8:00 p.m.; a managing agent must be named who is responsible for the conduct of the vendors in compliance with the conditions of the interim use permit.
- (f) *Permitted accessory uses.*
 - (1) Off-street parking and loading, signs, fences, and decorative landscape features as regulated herein.
 - (2) Temporary construction buildings.
 - (3) Accessory uses in the B-2 zoning district.
- (g) Lot area, height, lot width, and yard requirements.
 - (1) The following minimum requirements shall be observed subject to additional requirements except as modified in this section and in Section 113- 241.

Lot Area	Lot Width	Front Yard	Side Yard	Rear Yard
2.5 acres	200 feet	30 feet	10 feet or 1/2 the height of the building, whichever is greater	30 feet

- (2) The required setback from a lot line abutting property zoned R-1 is 50 feet.
- (3) If there is a commercial use on the first floor, the required setback from a lot line abutting Larpenteur Avenue or Snelling Avenue is 15 feet.
- (4) Except as provided in Section 113-243 the maximum height is 4 stories or 40 feet whichever is less.

SECTION 6. Section 113 -310 of the Falcon Heights City Code is amended by amending the first line in subsection 2 as follows:

- (2) The following provisions apply to the R-3 and R-4 districts:

SECTION 7. Section 113-310 of the Falcon Heights City Code is amended by adding subsection 3 to provide as follows:

- (3) The following provisions apply to the R-5M district:
 - a. The requirements of the R-4 district shall apply except that at least 80% of the required parking spaces for apartment buildings shall be below-grade and integrated into the apartment building.

SECTION 8. Section 113-449 of the Falcon Heights City Code is amended to provide as follows:

Sec. 113-449. Signs permitted in residential districts.

Signs are permitted in the R-1, R-2, R-3, R-4 and, R-5M districts only as follows:

- (1) For the purpose of selling, renting or leasing property, a sign not in excess of ten square feet in gross surface area may be placed within the front yard, not less than 15 feet from a property line.

- (2) Temporary poster signs for political advertising may be posted but must be removed by those responsible for their being posted within ten days following the election for which the sign was posted.
- (3) Signs containing noncommercial speech.
- (4) One nameplate sign for each dwelling unit that shall not exceed two square feet in area per surface, and no sign shall have more than two display surfaces.
- (5) No sign shall be located within three feet of the property line.
- (6) Churches, schools and other institutional users, allowed by virtue of pre-existing or conditional use, may have an illuminated sign not exceeding 50 square feet in gross surface area. Temporary signs advertising a special event may be posted after receiving a permit from the zoning administrator, and such sign shall not be greater than 70 square feet in gross surface area, not less than 30 feet from a property line and shall not be displayed longer than 30 days.
- (7) Address numbers four inches on the house and alley side of garage.
- (8) Signs other than those listed above require a conditional use permit.
- (9) In the R-5M district signs allowed in the B-2 district are allowed for B-2 uses.

SECTION 9. Effective Date. This ordinance shall take effect from and after its passage.

ADOPTED this _____ day of _____, 2010, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk

ORDINANCE NO. _____

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

**AN ORDINANCE AMENDING CHAPTER 113 OF THE
CITY CODE REZONING PROPERTY TO R-5M, MIXED USE HIGH
DENSITY RESIDENTIAL DISTRICT**

THE CITY COUNCIL OF THE CITY OF FALCON HEIGHTS ORDAINS:

SECTION 1. Chapter 113 of the Falcon Heights City Code is amended by rezoning the following described property located within the City of Falcon Heights to R-5M, Mixed Use High Density Residential District:

HERMES NURSERY PARCELS

PID #212923120007 - 1750 Larpenteur Avenue W

That part of the Northwest Quarter of the Northeast Quarter of Section 21, Township 29, Range 23, lying North of the South 750 feet thereof, East of the West 825.01 feet thereof and West of the East 330 feet of said Northwest Quarter of the Northeast Quarter.

PID #212923120006 - Parcel Between 1750 and 1790 Larpenteur Ave W and
PID #212923120005 - 1790 Larpenteur Avenue W

The East 282.86 feet of the West 825.01 feet of the North 1/2 of the Northeast Quarter of Section 21, Township 29, Range 23, except the South 1026.66 feet thereof and except Larpenteur Avenue.

TIES WEST PARCELS

PID #212923110028 - 1644 W. Larpenteur (old fire station)

The West 150 feet of the East 160 feet of the North 283 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 21, Township 29, Range 23, West of the Fourth Principal Meridian, according to the Government Survey thereof.

PID #212923110029 - Parcel Surrounding 1644 W. Larpenteur

The East 250 feet of the North 500 feet, except the West 150 feet of the East 160 feet of the North 283 feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 21, Township 29, Range 23, West of the Fourth Principal Meridian, reserving to the Regents of the University of Minnesota a perpetual easement for ingress and egress over all that part of the above described

property which is West of Hollywood Court (a street located in "Crossroad Court") and which is between the North line of Hollywood Court extended Westerly, and the South line of Hollywood Court extended Westerly, according to the Government Survey thereof.

SPIRE CREDIT UNION, SOUTH PARCEL

PID #162923340094 - 2025 W. Larpenteur Ave.

The South 765 feet of the parcel of land which consists of the West 20 acres of the East 1/2 of the Southwest Quarter and the East 15 acres of the West 1/2 of the Southwest Quarter, all in Section 16, Township 29, Range 23; except the East 131 feet of the South 186 feet of said West 20 acres and except the West 60 feet of said East 15 acres, Ramsey County, Minnesota.

LARPENTEUR MANOR APARTMENTS

PID #212923120008 - 1710, 1720, 1730 & 1740 Larpenteur Ave. W

The East 20 rods of the Northwest Quarter of the Northeast Quarter of Section 21, Township 29, Range 22, except the Southerly 630 feet thereof, Ramsey County, Minnesota.

SECTION 2. The official zoning map adopted in Section 113-144 of the Falcon Heights City Code shall not be republished to show the aforesaid rezoning, but the zoning map on file in the City Clerk's office shall be appropriately marked for the purpose of indicating the rezoning provided in this ordinance.

SECTION 3. Effective Date. This ordinance shall take effect from and after its passage.

ADOPTED this _____ day of _____, 2010, by the City Council of Falcon Heights, Minnesota.

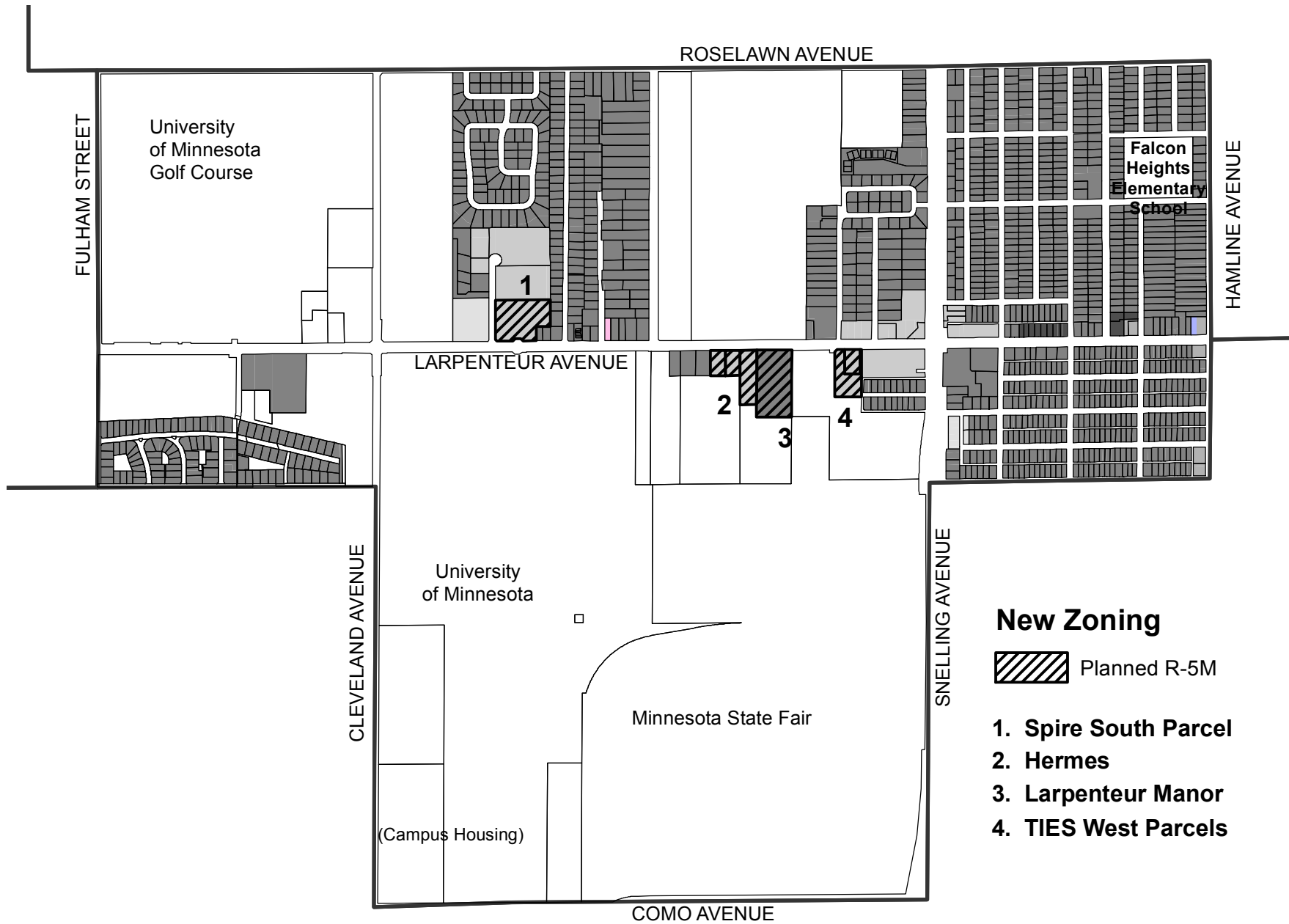
CITY OF FALCON HEIGHTS

BY: _____
Peter Lindstrom, Mayor

ATTEST:

Justin Miller, City Administrator/Clerk

City of Falcon Heights Proposed New Zoning 2010



CITY OF FALCON HEIGHTS, MINNESOTA

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN, that the Falcon Heights Planning Commission will meet on August 24, 2010, at approximately 7:00 p.m. at the Falcon Heights City Hall Council Chambers, 2077 Larpenteur Avenue West, Falcon Heights, Minnesota 55113, to consider rezoning of property and other changes to the Zoning Chapter of the Falcon Heights City Code. The changes include: establishing R-3 and R-5M zoning districts, amending the R-4 standards, adding a definition, amending sign and parking requirements. The following property is proposed to be rezoned to R-5M: (1) Hermes Nursery parcels - 1750 Larpenteur Avenue; Ties West Parcels - 1644 West Larpenteur; Spire Credit Union, south parcel - 2025 West Larpenteur Avenue; Larpenteur Manor Apartments - 1710, 1720, 1730 and 1740 Larpenteur Avenue West. All persons who desire to speak on these issues are encouraged to attend and will be given an opportunity to be heard at this meeting. Additional information and copies of the proposed ordinance amendments can be obtained by contacting the City of Falcon Heights at (651) 792-7600.

This matter will be scheduled for the next appropriate City Council meeting following the Planning Commission meeting.

Dated: August 9, 2010.



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



CITY OF
FALCON HEIGHTS

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

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

The City That Soars!

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

August 9, 2010

Dear Property Owner:

You are receiving this notice because you own Falcon Heights property within 350 feet of a property that has been proposed for rezoning under the City of Falcon Heights 2030 Comprehensive Plan, or because you own property on a no-outlet street within 350 feet. The properties are shown on the enclosed map.

The City is required by statute to amend its code and zoning districts to be in line with its recently adopted comprehensive plan. A hearing to take public comment is the next step in this process. You are invited to the hearing before the Planning Commission on this proposed rezoning and a set of related amendments to the zoning code.

Tuesday, August 24, 2010
7:00 p.m.
City Council Chambers
Falcon Heights City Hall
2077 West Larpenteur Avenue

Please read the enclosed information sheet to learn more about these proposed zoning changes and what they mean. You are also encouraged to go to the city website or visit City Hall and read the comprehensive plan to find out about the City's long term plans and how they fit into the metropolitan area as a whole: <http://www.falconheights.org>

If you have any questions, or if you are unable to attend the hearing and want to make a comment, you are welcome to contact the city staff at 651-792-7600.

Sincerely,

Deborah Jones
Zoning & Planning Director

FAMILIES, FIELDS AND FAIR



PRINTED ON RECYCLED PAPER

Falcon Heights Comprehensive Plan Rezoning 2010 Frequently Asked Questions

What kind of rezoning is proposed?

A new zoning district R-5M is proposed for the four properties on the map. Three of them are commercial properties. The fourth is a large apartment complex that might hold more apartments in the future than it does now.

In brief, the new zoning district and code updates do two things:

1. They allow the present commercial or residential uses of the properties to remain exactly as they are, indefinitely. They will not become nonconforming.
2. In addition to the present uses, new apartment housing – and possible new commercial uses – will be allowed, with certain conditions, on these properties, if the owners choose to redevelop them in the future.

Why is this being done?

All cities in the metropolitan area were required by the Metropolitan Planning Act to create a new comprehensive land use plan in 2008. The Falcon Heights 2030 Comprehensive Plan was created with broad input from the community, reviewed by adjacent cities, approved by the Planning Commission, the City Council and the Metropolitan Council, and formally adopted in June, 2009.

The City's comprehensive plan was required to designate enough land for the development of the additional housing expected to be needed in Falcon Heights by 2030, approximately 250 additional households. Because Falcon Heights is already fully developed, the plan designated several larger private properties as candidates for possible redevelopment to meet this goal.

Now the City is required by statute to amend its code and zoning districts to be in line with its adopted comprehensive plan. The scheduled public hearing is the next step before these changes can be made.

Why now?

The Metropolitan Planning Act gives cities a limited amount of time to update their codes and zoning districts after adopting their comprehensive plans. Falcon Heights is a little behind schedule but has requested an extension. Our goal is to finish by the end of the year.

When will redevelopment take place?

We do not know. There are no known plans right now. Over the life of the comprehensive plan, from now to 2030, some of these properties may be redeveloped, or one, or none. The City only has to show that enough land has been made available through zoning to meet the forecast need for additional housing. What actually happens will depend on the plans of the property owners and on market forces.

Why were these properties chosen?

Falcon Heights is a fully developed city. There is only a tiny area of vacant land that is privately owned – not enough to meet the projected need. The University of Minnesota and the Minnesota State Fair have no plans to sell off any of their land for development. This means new housing can only be created by redeveloping private land. The best candidates for redevelopment are larger commercial and multi-family properties next to Larpenteur Avenue and convenient to public transportation. There are more than enough acres on these properties to provide room for multi-unit housing to meet forecast needs.

Why apartments? Why not single family houses?

The only way the city can accommodate the 250 new housing units is to plan for multi-unit buildings. Even if every commercial property in the city was turned into housing, there would not be enough land to build all the needed housing at the low densities of single family neighborhoods.

However, there is more than enough space on the designated properties to build multi-unit or apartment housing with the same unit per acre density as the average of existing older apartment buildings in the city, that is, about 28 units per acre. This is a high enough density to ensure that some of the new housing will be affordable for seniors and households with average incomes – which is an other requirement the City must meet in planning future housing.

Where can I see the exact wording of the proposed ordinances? Why are they not in this letter?

Including the draft ordinances in this mailing would have increased the postage cost substantially. However, the full text is on our website, <http://www.falconheights.org>

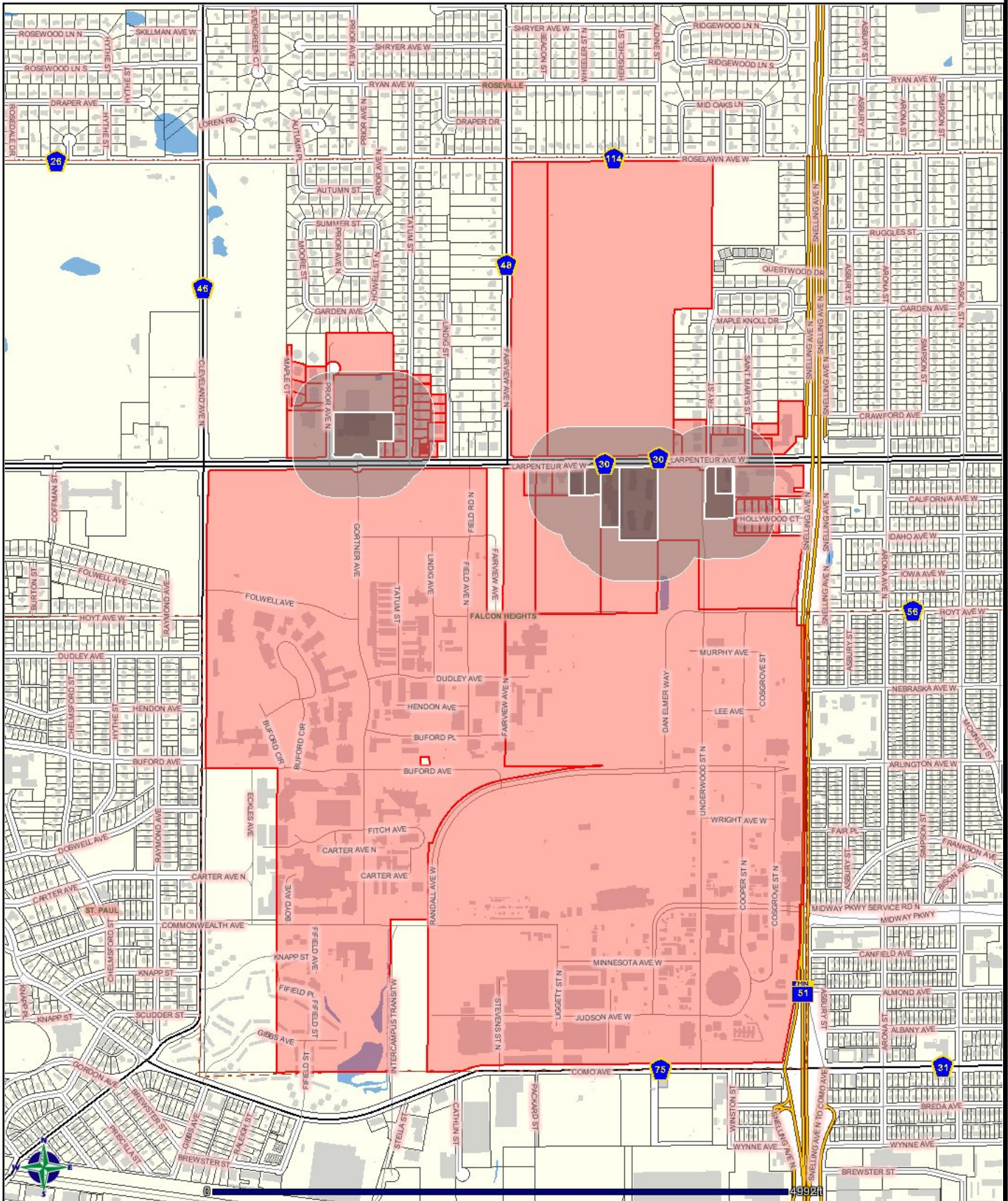
You may also pick up a copy at City Hall or request one by calling 651-792-7600.

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

Do you need a larger print copy of this notice? Please call 651-792-7600 to request one.

Rezoning Hearing Notice Areas - August, 2010

Data: Ramsey County



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.
 SOURCES: Ramsey County (August 2, 2010), The Lawrence Group; August 2, 2010 for County parcel and property records data; August 2010 for commercial and