

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 W. Larpenteur Ave.

AGENDA
August 23, 2000

- A. CALL TO ORDER: **6:30 p.m.**

- B. ROLL CALL: GEHRZ ___ HUSTAD ___ KUETTEL ___
 LINDSTROM ___ TALBOT ___
 WORTHINGTON ___ PHILLIPS ___
 ATTORNEY ___ ENGINEER ___

- C. COMMUNITY FORUM

- D. APPROVAL OF MINUTES: August 9, 2000

- E. PUBLIC HEARING: None

- F. CONSENT AGENDA:
 - 1. General disbursements through 8/17/00, \$76,706.91
Payroll, 8/1/00 to 8/15/00, \$9,657.32
 - 2. Appointment of firefighter

- G. POLICY AGENDA:
 - 1. Approval of wage increase for election judges from \$5.25 per hour to
\$6.00 per hour
 - 2. Request for a variance at 1750 W. Larpenteur Ave.

- H. INFORMATION AND ANNOUNCEMENTS:

- I. ADJOURN

DRAFT

City of Falcon Heights
City Council Minutes
August 9, 2000

The meeting was called to order by Mayor Gehrz at 7:00 p.m.

PRESENT: Gehrz, Kuettel, Lindstrom, Talbot. Also present: Heather Worthington, City Administrator

ABSENT: Councilmember Hustad

COMMUNITY FORUM: There was no one present wishing to speak.

MINUTES: The minutes of July 26, 2000 were approved.

Councilmember Kuettel moved to approve the following consent agenda. The motion passed unanimously.

CONSENT AGENDA:

1. General disbursements and payroll
2. Licenses
3. Approval of election judges for the September 12 Primary Election
4. Approval of election judges for the November 7 General Election
5. Appointment of firefighters
6. Approval of expenditure for new uniforms for the Fire Department

Councilmember Lindstrom read the names of the election judges who volunteered for the September 12 Primary Election. Councilmember Talbot read the names of those who volunteered for the November 7 General Election. Mayor Gehrz thanked them all for their valuable service to the community.

Councilmember Kuettel read the names of the new Fire Department recruits.

ADJOURN

The meeting adjourned at 7:15 p.m. to a workshop on the city's noise ordinance.

Respectfully submitted, (via video notes)

Pat Phillips, Deputy Clerk

CONSENT 1
Meeting Date: 8/23/00

ITEM DESCRIPTION: Disbursements

SUBMITTED BY: Roland Olson, City Accountant

EXPLANATION/SUMMARY:

1. General disbursements through 8/17/00, \$76,706.91
2. Payroll, 8/1/00 through 8/15/00, \$9,657.32

ACTION REQUESTED: Approval

APPROVAL OF BILLS
 PERIOD ENDING: 8-18-00

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
39114	JOHN HUSTAD	REISSUE LOST PAYCK 30337	LEGISLAT	202.05
39115	JOHN HUSTAD	REISSUE LOST PAYCK 29993	LEGISLAT	202.05
	FOCUS NEWS	COMPREHENSIVE PLAN NOTIC	LEGISLAT	57.35
	GREAT WEST LIFE/ANNUITY	8/00 HUSTAD DEFERRD COMP	LEGISLAT	75.00
	*** TOTAL	FOR DEPT 11		536.45
	AMERICAN OFFICE PRODUCTS	CLIPS/BINDERS/TAPE	ADMINIST	12.97
	AMERICAN OFFICE PRODUCTS	COLORED PAPER/PENCILS	ADMINIST	102.86
	GOVERNING	YEARLY SUBSCRIPTION	ADMINIST	19.95
	MN CENTER WOMEN IN GOVT	SEMINAR	ADMINIST	60.00
39117	MN DEPARTMENT OF REVENUE	AUG 1-15 ST WITHHOLDINGS	ADMINIST	631.59
39118	PERA	AUG 1-15 PERA WITHHOLDNG	ADMINIST	978.86
	RAMSEY COUNTY	8/00 INS PREMIUMS	ADMINIST	3,053.74
6330	ROSEVILLE ROTARY CLUB	INITIATIN FEE& QTRLY DUE	ADMINIST	308.25
	SCHWAB INC	RUBBER STAMPS	ADMINIST	42.59
	U.S. POSTMASTER	10 ROLLS OF 33 CENTSTAMP	ADMINIST	330.00
	MATRIX LASER CARE	HP 111 LASER CARTRIDGE	ADMINIST	47.87
	*** TOTAL	FOR DEPT 12		5,588.68
	CAMPBELL KNUTSON	7/00 LEGALS	LEGAL	509.00
	*** TOTAL	FOR DEPT 14		509.00
39120	US BANCORP	PHOTOS ICE CREAM SOCIAL	COMMUNIC	160.50
	ESCHELON TELECOM, INC.	CHANGES TO PHONE SYSTEM	COMMUNIC	49.50
	USWEST COMMUNICATIONS	TELE TO 8/1	COMMUNIC	611.89
	*** TOTAL	FOR DEPT 16		821.89
	EHLERS AND ASSOCIATES	HARVEST STATES ISSUES	PLANNING	360.00
	*** TOTAL	FOR DEPT 17		360.00
	ST ANTHONY VILLAGE	9/00 POLICE SVCS	POLICE	33,063.92
	*** TOTAL	FOR DEPT 22		33,063.92
	HUGHES & COSTELLO	8/00 PROSECUTIONS	PROSECUT	2,754.75
	*** TOTAL	FOR DEPT 23		2,754.75
	AMERIPRIDE LINEN&APPAREL	LINEN	FIRE FIG	38.95
39112	BUREAU CRIMINAL APPREHEN.	1 BACKGROUND CK	FIRE FIG	15.00
	JOHNSON-POWERS,DAN	REIMB-CLEANING SUPPLIES	FIRE FIG	48.15
	NATIONAL FIRE & RESCUE	3 YR SUBSCRIPTION	FIRE FIG	48.00
	OXYGEN SERVICE COMPANY	AIR AND O2	FIRE FIG	31.50
	USWEST COMMUNICATIONS	TELE TO 8/1	FIRE FIG	166.56
	*** TOTAL	FOR DEPT 24		348.16
	ALBRECHT	IRRIGATION SPRINLER PART	CITY HAL	58.77
	BROWNING-FERRIS IND.	8/00 WASTEREMOVAL	CITY HAL	244.52
	GLENWOOD INGLEWOOD	COOLER RENTAL	CITY HAL	9.00
	HAR MAR LOCK & KEY	4 KEYS	CITY HAL	38.34
	GRAINGER, W. W., INC.	3 US FLAGS	CITY HAL	117.21
	NSP	ELECT TO 8/1	CITY HAL	992.19
	OXYGEN SERVICE COMPANY	TANK RENTAL	CITY HAL	9.00
	*** TOTAL	FOR DEPT 31		1,469.03
	NSP	ELECT TO 8/1	STREETS	2,011.49

APPROVAL OF BILLS
 PERIOD ENDING: 8-18-00_

CHECK#	VENDOR NAME	DESCRIPTION	DEPT.	AMOUNT
	NSP	ELECT TO 8/1	STREETS	7.52
	NSP	ELECT TO 7/31	STREETS	8.58
	NSP	ELECT TO 7/31	STREETS	42.82
	T.A. SCHIFSKY & SONS, INC	BLACK TOP PATCHING	STREETS	56.98
	***	TOTAL FOR DEPT 32		2,127.39
	KNOX LUMBER CO.	WHITE STAIN/WINDEX	PARK & R	49.54
	NSP	ELECT TO 8/2	PARK & R	389.51
	NSP	ELECT TO 8/1	PARK & R	57.08
	ON SITE SANITATION	7/00 PORTABLE TOILET	PARK & R	68.65
	USWEST COMMUNICATIONS	TELE TO 8/10	PARK & R	65.50
	***	TOTAL FOR DEPT 41		630.28
39113	TARGET	ART CLASS SUPPLIES	PARK PRO	23.52
	KINKO'S INC.	FALL SOCCER FLYERS	PARK PRO	71.09
	***	TOTAL FOR DEPT 50		94.61
	DANKO EMERGENCY EQUIPMENT	HELMET FRONT NAME PIECES	FIRE & R	589.09
	***	TOTAL FOR DEPT 64		589.09
39119	BOARD OF WATER COMMISSNRS	FOLEY SS PYMT	SANITARY	57.27
39116	TOM KELLOGG	CITYS SHARE SEWER REPAIR	SANITARY	250.00
	METROPOLITAN COUNCIL	9/00 S.S.	SANITARY	20,484.00
	USWEST COMMUNICATIONS	TELE TO 8/1	SANITARY	61.58
	***	TOTAL FOR DEPT 75		20,852.85
	EHLERS AND ASSOCIATES	REVIEW TIF DIST/DATA	TIF #1	1,845.00
	EHLERS AND ASSOCIATES	OSA REPORTS	TIF #1	750.00
	FOCUS NEWS	ANNUAL TIF DISCLOSURE	TIF #1	40.80
	***	TOTAL FOR DEPT 77		2,635.80
	EHLERS AND ASSOCIATES	REVIEW TIF DIST/DATA	TIF #2	1,845.00
	EHLERS AND ASSOCIATES	OSA REPORTS	TIF #2	750.00
	FOCUS NEWS	ANNUAL TIF DISCLOSURE	TIF #2	40.80
	***	TOTAL FOR DEPT 78		2,635.80
	BERNARDY, CONNIE LANNERS	AUG 16-31 PROF SVCS	MCAD	1,288.49
	***	TOTAL FOR DEPT 84		1,288.49
	D-ROCK CENTER LANDSCAPE	3/8 RIVER ROCK	2000 ALL	62.30
	D-ROCK CENTER LANDSCAPE	FIELDSTONE	2000 ALL	26.63
	D-ROCK CENTER LANDSCAPE	3/8 RIVER ROCK	2000 ALL	155.76
	***	TOTAL FOR DEPT 87		244.69
	PETERSON, AUSTIN	AUSTIN TUITION REIMB	CONTINGE	156.03
	***	TOTAL FOR DEPT 92		156.03
	***	TOTAL FOR BANK 01		76,706.91
	***	GRAND TOTAL ***		76,706.91

C H E C K R E G I S T E R

CHECK TYPE	CHECK DATE	EMPLOYEE NAME NUMBER	CHECK NUMBER	CHECK AMOUNT
COM	8 14 00	34 CLEMENT KURHAJETZ	30374	25.29
COM	8 14 00	35 LEO LINDIG	30375	12.93
COM	8 14 00	40 KEVIN ANDERSON	30376	6.05
COM	8 14 00	42 MICHAEL D. CLARKIN	30377	45.27
COM	8 14 00	66 ALFRED HERNANDEZ	30378	199.30
COM	8 14 00	74 MARK J. ALLEN	30379	36.37
COM	8 14 00	77 BARBARA J. LEMAY	30380	94.83
COM	8 14 00	80 MARY K RIGNEY	30381	88.48
COM	8 14 00	81 LAUREL F SANDBERG	30382	37.00
COM	8 14 00	82 DUSTIN P THUNE	30383	200.02
COM	8 14 00	85 DANIEL S JOHNSON-POWERS	30384	72.21
COM	8 14 00	86 GREGORY R YOUNGS JR	30385	28.57
COM	8 14 00	1007 PATRICIA PHILLIPS	30386	1011.11
COM	8 14 00	1013 WILLIAM MAERTZ	30387	1298.11
COM	8 14 00	1026 JASON CIERNIA	30388	33.25
COM	8 14 00	1033 DAVE TRETSVEN	30389	927.12
COM	8 14 00	1036 KEVIN KELLY	30390	150.06
COM	8 14 00	1057 KRISTIN L. WOLVERTON	30391	378.25
COM	8 14 00	1089 KATHLEEN A. CIERNIA	30392	318.55
COM	8 14 00	1102 AUSTIN M. PETERSON	30393	567.83
COM	8 14 00	1136 ROLAND O. OLSON	30394	1031.72
COM	8 14 00	1143 COLIN B. CALLAHAN	30395	573.11
COM	8 14 00	1152 KARNA M BLOOMQUIST	30396	115.44
COM	8 14 00	1153 MARK P BORSHEIM	30397	102.42
COM	8 14 00	1169 JAY PAUL KURTIS	30398	533.98
COM	8 14 00	1173 ELIZABETH M. POSTIGO	30399	256.11
COM	8 14 00	1175 LAURA M SUPPES	30400	55.41
COM	8 14 00	1176 MICHAEL P ECKBERG	30401	49.87
COM	8 14 00	1185 HEATHER M WORTHINGTON	30402	973.26
COM	8 14 00	1186 CAROLINE E DAYKIN	30403	158.96
COM	8 14 00	1188 NICOLE S GRAHAM	30404	97.15
COM	8 14 00	1189 JEFFREY C OLSON	30405	97.46
COM	8 14 00	1191 ANNE M STEMPER	30406	81.83

COMPUTER CHECKS	9657.32
MANUAL CHECKS	.00
NOTICES OF DEPOSIT	.00

*****TOTALS***** 9657.32

CONSENT ²
~~3~~
Meeting Date: 8/23/00

ITEM DESCRIPTION: Appointment of firefighter

SUBMITTED BY: Clem Kurhajetz, Fire Chief

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION/SUMMARY:

The council is being asked to approve the appointment of the following firefighter to the fire department, pending passing the physical and all other requirements:

Andy Schippel, 1201 Fifield Ave., Falcon Heights, MN 55108

ACTION REQUESTED: Approve the appointment pending passing the physical and all other requirements.

Policy 1
Date: 8/23/00

ITEM: Approval of wage increase for Election Judges, from \$5.25 per hour to \$6.00 per hour

SUBMITTED BY: Kathy Ciernia, Election Administrator

REVIEWED BY: Heather Worthington, City Administrator
Roland Olson, Finance Director

EXPLANATION:

Staff is requesting a \$.75 increase per hour for election judges. While other communities in the metropolitan area are routinely paying up to \$6.50 per hour for election judges, the City of Falcon Heights has not approved a wage increase in several years. We would like to bring the City up to a more competitive level for recruiting and retaining election judges from year to year.

While this increase was not budgeted for, we have confirmed that there will be adequate resources in the Election budget to allow for the raise.

ACTION REQUESTED:

Discussion

Approval of a \$.75 raise per hour for election judges for the two elections in 2000.

ITEM: Consideration of a variance request to allow housing in a B-2 zone at 1750 W. Larpenteur Avenue

SUBMITTED BY: Donald Hermes, owner

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary and findings of fact:

Mr. Hermes has submitted a request to for a variance in the zoning code in order to allow housing in his business at 1750 W. Larpenteur Avenue, a flower wholesaler. Mr. Herme's property is zoned B-2, a commercial designation, a description of which follows:

Subdivision 1. Purpose and Intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

Subdivision 2. Permitted Uses. No structure or land shall be used except for the following uses:

- a. Financial institutions with hours open to the public from 8 a.m. to 6 p.m. Monday-Friday and 8 a.m. to noon on Saturdays. An automatic teller machine may operate for 24 hours a day.
- b. Medical office
- c. Offices, business and professional.
- d. City owned community facilities provided there shall be no unscreened outdoor storage of materials, supplies or equipment, or trucks and trailers exceeding a capacity of one and one-half (1 ½) tons.

Subdivision 3. Conditional Uses. The following uses are permitted subject to the issuance of a conditional use permit (C.U.P.):

- a. Bank drive-in facilities as an accessory use to a financial institution, with hours open to the public identified in the conditional use permit.
- b. Churches.
- c. Child care facilities and nursery schools subject to licensing by the State of Minnesota.
- d. Florist, garden supply and garden wholesale stores.
- e. Funeral homes and mortuaries.
- f. Limited fabricating and processing of a product in conjunction with any permitted use when such products are wholly processed within a building and such use is deemed appropriate and consistent with the character of the district and environs. Where such uses consist of more than one principal building, plans for such development shall be submitted as a planned unit development (P.U.D.).
- g. Radio and television broadcasting and cable television studios (SIC 483 and 484) excluding external antenna systems.
- h. Research centers and laboratories excluding medical waste processing facilities.
- i. Studios
- j. Veterinary clinics with no animal boarding.

Subdivision 4. Permitted Accessory Uses. Any accessory use permitted in Chapter 9, Section 8.01.

Subdivision 5. Other requirements. All uses shall in addition to all other requirements comply with the following standards:

- a. No bars on doors or windows during business hours.
- b. No automatic interior or exterior security lock doors or doors that require requesting entry or exit during business hours.
- c. No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- d. No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.

Characteristics of the property:

Mr. Hermes' property is utilized for a wholesale flower business. His property is abutted on the east and west by R-4 zoning.

STAFF RECOMMENDATION:

State statute prohibits the granting of a variance unless the owner can show that a hardship exists with respect to the proposed variance. The staff recommends denial of Mr. Hermes' request for a variance to allow housing on his B-2 zoned commercial property, and offers the following findings of fact regarding the state statute:

- The proposed variance is not consistent with the allowed uses in the zoning code; therefore it constitutes a use variance, which is prohibited by state law. Additional findings:
- The staff finds that the denial of such a variance will not substantially diminish or impair property values or improvements in the area;
- The staff finds that no substantial hardship to the owner would result from a denial of the variance.

ATTACHMENTS:

1. Letter from Donald Hermes
2. Plat of area
3. Resolution recommending denial of the variance request to allow housing at 1750 W. Larpenteur Avenue

ACTION REQUESTED:

- Report from City Administrator
- Questions and comments from councilmembers to city staff
- Questions to property owner from councilmembers
- Discussion
- Motion to adopt the resolution denying the granting of a use variance to allow housing at 1750 W. Larpenteur Avenue.

ITEM: Consideration of a variance request to allow housing in a B-2 zone at 1750 W. Larpenteur Avenue

SUBMITTED BY: Donald Hermes, owner

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary and findings of fact:

Mr. Hermes has submitted a request to for a variance in the zoning code in order to allow housing in his business at 1750 W. Larpenteur Avenue, a flower wholesaler. Mr. Herme's property is zoned B-2, a commercial designation, a description of which follows:

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- b. Medical office
- c. Offices, business and professional.
- d. City owned community facilities provided there shall be no unscreened outdoor storage of materials, supplies or equipment, or trucks and trailers exceeding a capacity of one and one-half (1 ½) tons.

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- a. Bank drive-in facilities as an accessory use to a financial institution, with hours open to the public identified in the conditional use permit.
- b. Churches.
- c. Child care facilities and nursery schools subject to licensing by the State of Minnesota.
- d. Florist, garden supply and garden wholesale stores.
- e. Funeral homes and mortuaries.
- f. Limited fabricating and processing of a product in conjunction with any permitted use when such products are wholly processed within a building and such use is deemed appropriate and consistent with the character of the district and environs. Where such uses consist of more than one principal building, plans for such development shall be submitted as a planned unit development (P.U.D.).
- g. Radio and television broadcasting and cable television studios (SIC 483 and 484) excluding external antenna systems.
- h. Research centers and laboratories excluding medical waste processing facilities.
- i. Studios
- j. Veterinary clinics with no animal boarding.

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Subdivision 5. Other requirements. All uses shall in addition to all other requirements comply with the following standards:

- a. No bars on doors or windows during business hours.
- b. No automatic interior or exterior security lock doors or doors that require requesting entry or exit during business hours.
- c. No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
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Characteristics of the property:

Mr. Hermes' property is utilized for a wholesale flower business. His property is abutted on the east and west by R-4 zoning.

STAFF RECOMMENDATION:

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- The proposed variance is not consistent with the allowed uses in the zoning code; therefore it constitutes a use variance, which is prohibited by state law. Additional findings:
- The staff finds that the denial of such a variance will not substantially diminish or impair property values or improvements in the area;
- The staff finds that no substantial hardship to the owner would result from a denial of the variance.

ATTACHMENTS:

1. Letter from Donald Hermes
2. Plat of area
3. Resolution recommending denial of the variance request to allow housing at 1750 W. Larpenteur Avenue

ACTION REQUESTED:

- Report from City Administrator
- Questions and comments from councilmembers to city staff
- Questions to property owner from councilmembers
- Discussion
- Motion to adopt the resolution denying the granting of a use variance to allow housing at 1750 W. Larpenteur Avenue.

ITEM: Consideration of a variance request to allow housing in a B-2 zone at 1750 W. Larpenteur Avenue

SUBMITTED BY: Donald Hermes, owner

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary and findings of fact:

Mr. Hermes has submitted a request to for a variance in the zoning code in order to allow housing in his business at 1750 W. Larpenteur Avenue, a flower wholesaler. Mr. Herme's property is zoned B-2, a commercial designation, a description of which follows:

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- c. Offices, business and professional.
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- d. Florist, garden supply and garden wholesale stores.
- e. Funeral homes and mortuaries.
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Characteristics of the property:

Mr. Hermes' property is utilized for a wholesale flower business. His property is abutted on the east and west by R-4 zoning.

STAFF RECOMMENDATION:

State statute prohibits the granting of a variance unless the owner can show that a hardship exists with respect to the proposed variance. The staff recommends denial of Mr. Hermes' request for a variance to allow housing on his B-2 zoned commercial property, and offers the following findings of fact regarding the state statute:

- The proposed variance is not consistent with the allowed uses in the zoning code; therefore it constitutes a use variance, which is prohibited by state law. Additional findings:
- The staff finds that the denial of such a variance will not substantially diminish or impair property values or improvements in the area;
- The staff finds that no substantial hardship to the owner would result from a denial of the variance.

ATTACHMENTS:

1. Letter from Donald Hermes
2. Plat of area
3. Resolution recommending denial of the variance request to allow housing at 1750 W. Larpenteur Avenue

ACTION REQUESTED:

- Report from City Administrator
- Questions and comments from councilmembers to city staff
- Questions to property owner from councilmembers
- Discussion
- Motion to adopt the resolution denying the granting of a use variance to allow housing at 1750 W. Larpenteur Avenue.

ITEM: Consideration of a variance request to allow housing in a B-3 at 1750 W. Larpenteur Avenue

SUBMITTED BY: Donald Hermes, owner

REVIEWED BY: Heather Worthington, City Administrator

EXPLANATION:

Summary and findings of fact:

Mr. Hermes has submitted a request to for a variance in the zoning code in order to allow housing in his business at 1750 W. Larpenteur Avenue, a flower wholesaler. Mr. Herme's property is zoned B-3, a commercial designation, a description of which follows:

Subdivision 1. Purpose and Intent. The primary purpose of the limited business district is to provide for office and limited service, employment and institutional uses which are freestanding in nature, require larger sites and are or can be made to be compatible with adjacent land uses. It is also intended to accommodate certain existing businesses for the purpose of maintaining them as conforming uses. Except where current retail or wholesale businesses are specifically listed, the limited business district is not intended to accommodate retail or wholesale businesses. The district is designed to minimize the blighting influence on the surrounding residential neighborhoods by limiting and controlling the uses that are permitted.

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- c. Child care facilities and nursery schools subject to licensing by the State of Minnesota.
- d. Florist, garden supply and garden wholesale stores.
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- f. Limited fabricating and processing of a product in conjunction with any permitted use when such products are wholly processed within a building and such use is deemed appropriate and consistent with the character of the district and environs. Where such uses consist of more than one principal building, plans for such development shall be submitted as a planned unit development (P.U.D.).
- g. Radio and television broadcasting and cable television studios (SIC 483 and 484) excluding external antenna systems.
- h. Research centers and laboratories excluding medical waste processing facilities.
- i. Studios
- j. Veterinary clinics with no animal boarding.

Subdivision 4. Permitted Accessory Uses. Any accessory use permitted in Chapter 9, Section 8.01.

Subdivision 5. Other requirements. All uses shall in addition to all other requirements comply with the following standards:

- a. No bars on doors or windows during business hours.
- b. No automatic interior or exterior security lock doors or doors that require requesting entry or exit during business hours.
- c. No exterior storage of merchandise except for nursery stock associated with a garden supply store or florist.
- d. No exterior sales of merchandise except for nursery stock associated with a garden supply store or florist.

Characteristics of the property:

Mr. Hermes' property is utilized for a wholesale flower business. His property is abutted on the east and west by R-4 zoning.

STAFF RECOMMENDATION:

State statute prohibits the granting of a variance unless the owner can show that a hardship exists with respect to the proposed variance. The staff recommends denial of Mr. Hermes' request for a variance to allow housing on his B-3 zoned commercial property, and offers the following findings of fact regarding the state statute:

- The proposed variance is not consistent with the allowed uses in the zoning code; therefore it constitutes a use variance, which is prohibited by state law. Additional findings:
- The staff finds that the denial of such a variance will not substantially diminish or impair property values or improvements in the area;
- The staff finds that no substantial hardship to the owner would result from a denial of the variance.

ATTACHMENTS:

1. Letter from Donald Hermes
2. Plat of area
3. Resolution recommending denial of the variance request to allow housing at 1750 W. Larpenteur Avenue

ACTION REQUESTED:

- Report from City Administrator
- Questions and comments from councilmembers to city staff
- Questions to property owner from councilmembers
- Discussion
- Motion to adopt the resolution denying the granting of a use variance to allow housing at 1750 W. Larpenteur Avenue.

1790

WEST LARPEUR

AVENUE

SAINT PAUL

MINNESOTA

55113

651.646.6344

FAX: 651.646.4890



July 24, 2000

Planning Commission
City of Falcon Heights

Dear Sirs:

This variance request is being submitted to make it possible for me to house and employ MAST students from the University of Minnesota Department of Agriculture who need housing in order to be employed. MAST (Minnesota Agricultural Student Trainee) students come from various countries to attend the University's agricultural program for a six to twelve month term. The students find it difficult to procure temporary housing that is conveniently located to both the University and their place of employment, and I could offer a solution by providing an apartment for them. My variance request is to modify a portion of former office space into a two bedroom apartment to accommodate a maximum of three students.

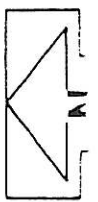
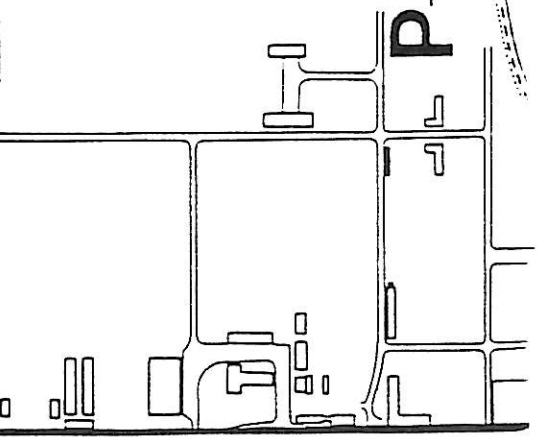
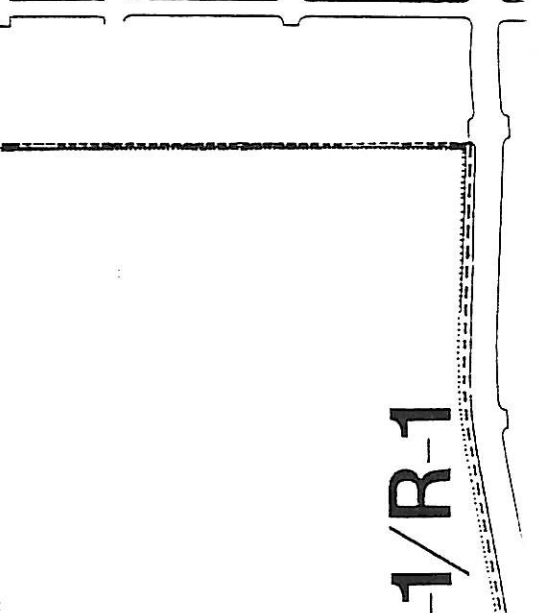
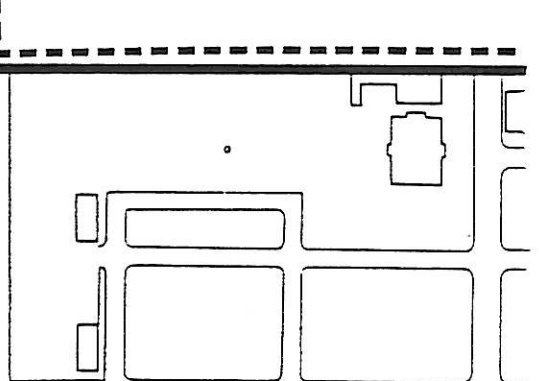
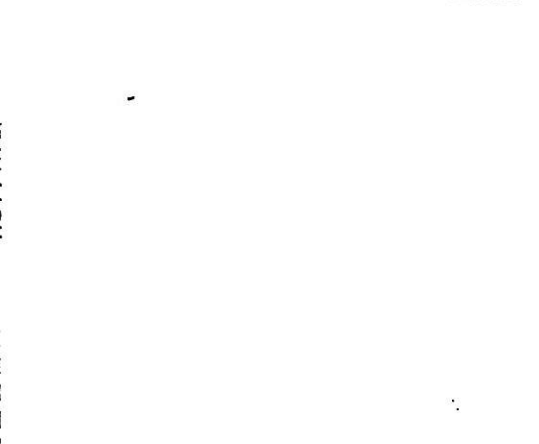
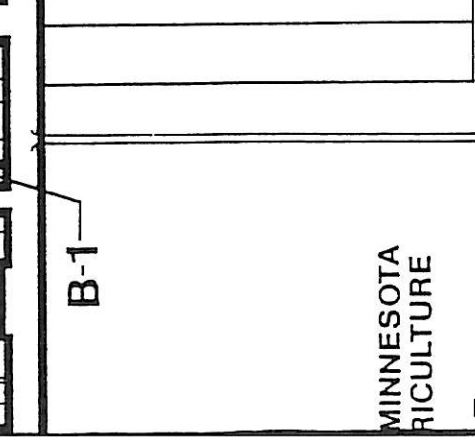
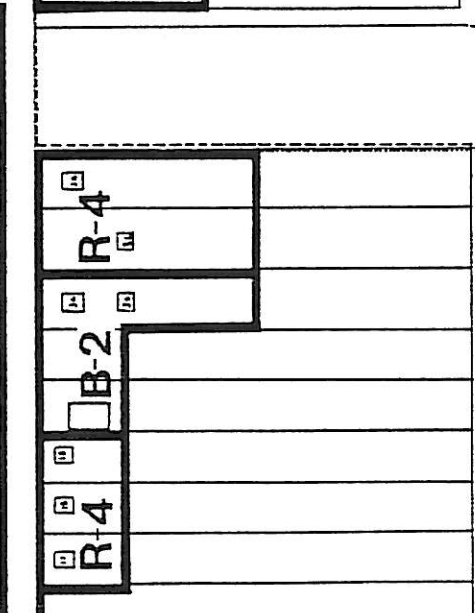
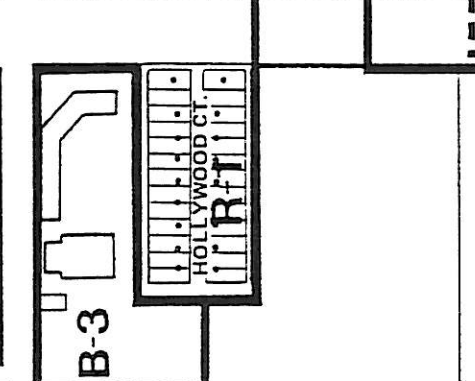
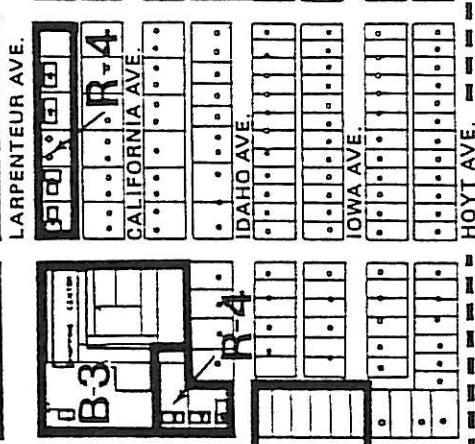
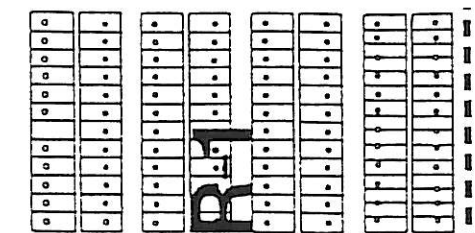
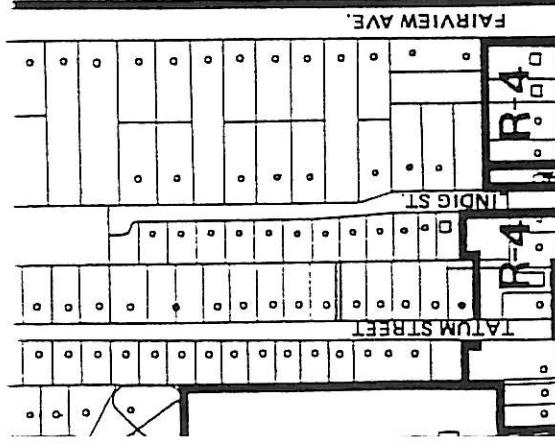
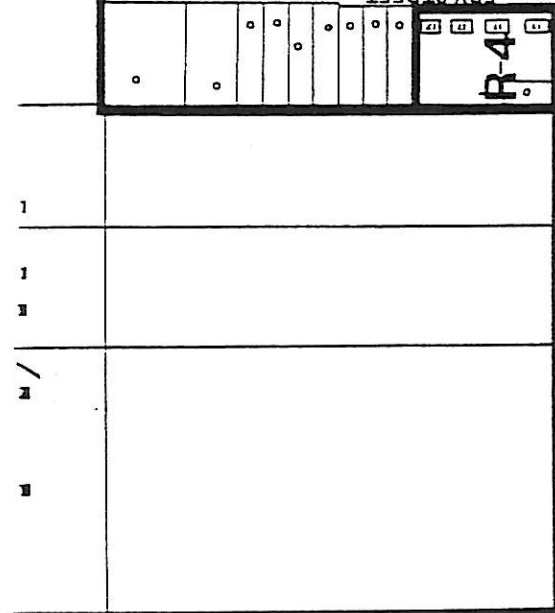
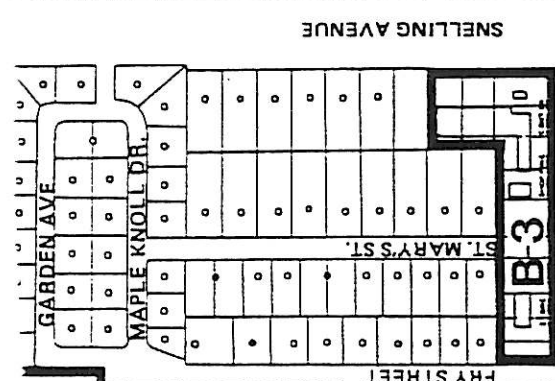
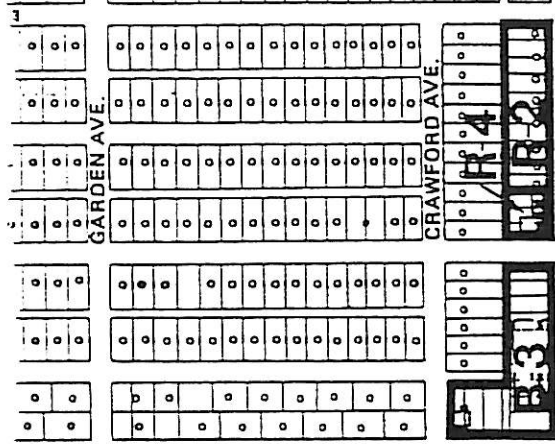
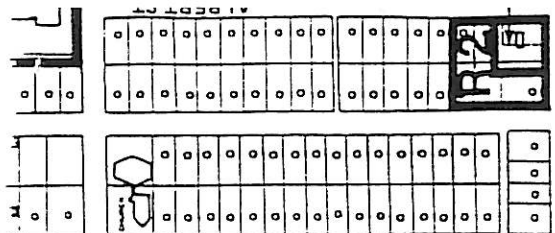
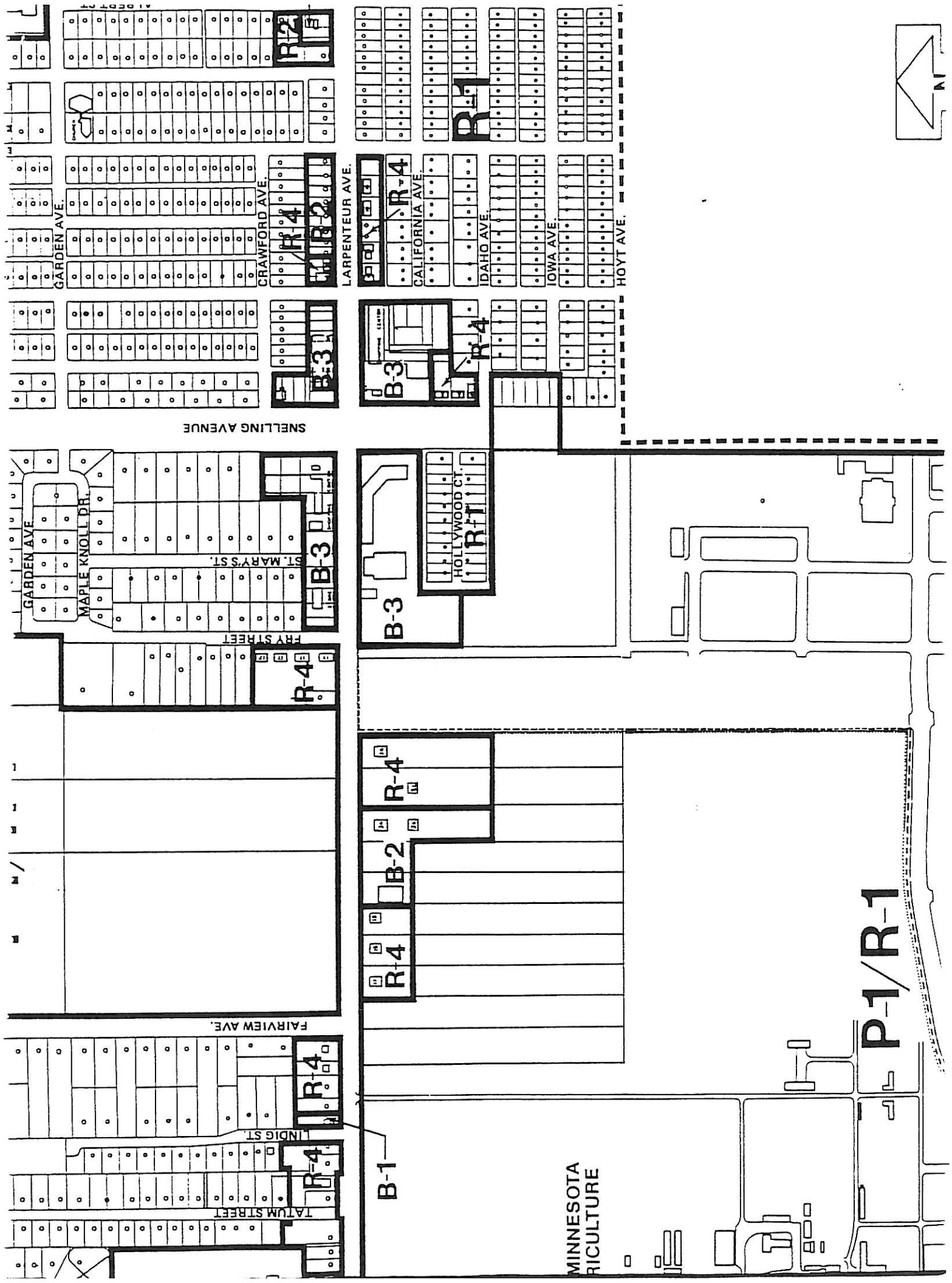
Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Donald Hermes
President

DH/cs



P-1/R-1

MINNESOTA
AGRICULTURE

B-1

R-4

B-2

R-4

B-3

HOLLYWOOD CT.
P-1/R-1

R-4

B-3

R-4

R-4

R-4

B-3

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CITY OF FALCON HEIGHTS

COUNCIL RESOLUTION

Date: August 23, 2000

**RESOLUTION DENYING A VARIANCE REQUEST TO ALLOW HOUSING AT
1750 W. LARPENTEUR AVENUE**

WHEREAS, on August 23, the Falcon Heights City Council denied a variance to allow housing in a B-2 zone at 1750 W. Larpenteur Avenue ; and

WHEREAS, the city council has recommended denial based on the following criteria:

- a. The proposed variance is not consistent with the allowed uses in the zoning code; therefore it constitutes a use variance, which is prohibited by state law.
- b. The staff finds that the denial of such a variance will not substantially diminish or impair property values or improvements in the area;
- c. The staff finds that no substantial hardship to the owner would result from a denial of the variance.

NOW THEREFORE, BE IT RESOLVED that the City of Falcon Heights does deny the request for a variance for 1750 W. Larpenteur Avenue to allow housing in a B-2 zone.

Moved by: _____

Gehrz
 Hustad In Favor
 Kuettel
 Lindstrom Against
 Talbot

Approved by: _____

Mayor
August 23, 2000
 Date

Attested by: _____

City Clerk
August 23, 2000
 Date