

# *City of Falcon Heights Planning Commission*

City Hall  
2077 W. Larpenteur Avenue

Tuesday, July 28, 2015  
7:00 p.m.

## **A G E N D A**

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL:           Chair Schafer\_\_\_\_ Alexander \_\_\_\_  
                                  Murphy       \_\_\_\_ Wartick       \_\_\_\_  
                                  Williams     \_\_\_\_ Fite           \_\_\_\_  
                                  Tinetti       \_\_\_\_ Larkin       \_\_\_\_  
                                  Council Liaison Harris \_\_\_\_ Staff Liaison Moretto \_\_\_\_
- C. APPROVAL OF MINUTES for June 23, 2015
- D. AGENDA
1. Introduction of new Commissioners
    - a. John Larkin
    - b. David Tinetti
  2. Discussion of Interim Ordinance – Height Limitations
- E. INFORMATION AND ANNOUNCEMENTS
- F. ADJOURN

*If you have a disability and need accommodation in order to attend this meeting,*

*please notify City Hall 48 hours in advance between the hours of 8:00 a.m. and 4:30 p.m. at 651-792-7600. We will be happy to help.*

**City of Falcon Heights  
Planning Commission Minutes  
June 23, 2015**

**PRESENT:** Commissioners Alexander, Murphy, Wartick, Williams, Schafer, Council Member Harris, City Administrator Thongvanh, Staff Liaison Moretto, WSB Consultants Breanne Brothstein and Addison Lewis

**ABSENT:** Commissioners Fite

The meeting was called to order at 7:15 p.m. by Chair Schafer.

**The minutes of the March 26, 2015 meeting of the Planning Commission were approved.**

**Election of Vice-Chair**

Commissioner Williams elected as Vice-Chair – Unanimous

**Presentation: Planning 101 – WSB Planners – Breanne Brothstein and Addison Lewis**

Breanne and Addison presented basic principles of planning and commission duties through lecture and PowerPoint presentation. A mock variance was presented for their consideration and deliberation. The presentation was concluded with a brief summary and a question and answer session.

**Information and Announcements:**

No information or announcements were made.

**Community Forum:**

**ADJOURNMENT:** The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

---

Paul Moretto  
Community Development Coordinator

---

Emily Schafer  
Chair – Planning Commission



**The City That Soars!**

## General Staff Report

<b>Date</b>	7/24/2015
<b>Agenda Item</b>	2
<b>Title</b>	Interim Ordinance - Height limitations 113-243
<b>Submitted By</b>	Paul Moretto, Community Development Coordinator

<b>Description</b>	The consideration of amending the City of Falcon Heights Zoning Code Part 2 Chapter 113 section 243 - Height Limitations and any of its references.
<b>Background</b>	<p>This City of Falcon Heights established Part 2 Chapter 113 section 243 - Height Limitations as a part of the new classification system of zoning. Through this process the zoning code established new height requirements for zones R3-R4 and new zones B1-B3, and R-5M. Each of these new zoning districts establishes height restrictions but allow for the clause "Except as provided in section 113-243".</p> <p>Section 113-243 allows for an undefined height restriction in the form of a conditional use permit, "<i>Conditional use permit</i>. Any structural height that exceeds this chapter must have a conditional use permit."</p>
<b>Other</b>	

<b>Analysis</b>	<ul style="list-style-type: none"> <li>• Section 113-243 provides flexibility in the code while also presenting difficulties in maintaining community character and good design.</li> <li>• This section provides a process through which buildings that are at or near their height maximums a way to conditionally install structures such as solar panels.</li> <li>• Adversely, the vagueness of this section also provides for unlimited heights of any structure in the chapter such as a fence, shed, or other building.</li> <li>• The lack of provisional conditions for the conditional use permit makes any restriction on height seem arbitrary.</li> </ul>
<b>Budget Impact</b>	N/A

<b>Attachment(s)</b>	<ul style="list-style-type: none"><li>• Sec._113_243.___Height_limitations.</li><li>• Interim Ordinance Height Limitations</li><li>• PC Minutes June 28, 1993</li><li>• Council Agenda July 26, 1993</li></ul>
<b>Actions Requested</b>	<ul style="list-style-type: none"><li>• Consider text changes to the code in order to clarify ambiguity and develop consistency with regard to structure heights.</li></ul>

Sec. 113-243. - Height limitations.

- (a) Conditional use permit. Any structural height that exceeds this chapter must have a conditional use permit.
- (b) Exemptions.
  - (1) Height limitations shall not apply to belfries, cupolas and domes, monuments, public and public utility facilities, silos, barns, church spires, chimneys, smokestacks, flagpoles, and parapet walls extending not more than four feet above the limiting height of the building.
  - (2) Height limitations shall not apply to rooftop structures such as mechanical equipment, elevator shaft and equipment enclosures and similar structures, provided said exceptions do not exceed ten feet in height above the roofline and the area does not exceed 15 percent of the roof area.
  - (3) Height limitations shall not apply to private T.V. or radio reception antennae extending more than ten feet above the limiting height of the building except if any portion of the structure exceeds four feet in diameter and is more than 20 percent opaque, a conditional use permit shall be required. Any T.V. or radio transmission or reception device or structure not attached to the principal building shall require a conditional use permit.
- (c) Airport. In all cases, however, no structure shall violate the limits and provisions of the airport plan of the Metropolitan Development Guide.

(Code 1993, § 9-2.07(1); Ord. No. 0-93-07, § 5, 7-28-1993)



*The City That Soars!*

## REQUEST FOR COUNCIL ACTION

<b>Meeting Date</b>	June 24, 2015
<b>Agenda Item</b>	Policy G3
<b>Attachment</b>	Ordinance 15-02
<b>Submitted By</b>	Sack Thongvanh, City Administrator

<b>Item</b>	Interim Ordinance Temporarily Prohibiting the Issuance of Conditional Use Permits to Exceed Height Limitations
<b>Description</b>	City staff has received a number of requests to exceed height limitations that would conflict with current City Code.
<b>Budget Impact</b>	N/A
<b>Attachment(s)</b>	<ul style="list-style-type: none"> <li>• Ordinance 15-02 Establishing an Interim Ordinance Temporary Prohibiting the Issuance of Conditional Use Permits to Exceed Height Limitations</li> </ul>
<b>Action(s) Requested</b>	Staff would recommend approval of Ordinance 15-02 Establishing an Interim Ordinance Temporary Prohibiting the Issuance of Conditional Use Permits to Exceed Height Limitations.

CITY OF FALCON HEIGHTS  
RAMSEY COUNTY, MINNESOTA

ORDINANCE NO. 15-02

**ESTABLISHING AN INTERIM ORDINANCE TEMPORARILY  
PROHIBITING THE ISSUANCE OF CONDITIONAL USE PERMITS  
TO EXCEED HEIGHT LIMITATIONS**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

**SECTION 1. INTENT:** It is the intent of this ordinance to allow the City of Falcon Heights time to complete an in-depth study concerning changes in official controls for height limitations, and in the interim to protect the planning process and the health, safety, and welfare of the citizens of the community.

**SECTION 2. TEMPORARY PROHIBITION:** Pending the completion of the above referenced study and the adoption of appropriate official controls, no conditional use permits shall be processed or approved and no application for such approvals shall be accepted for conditional use permits to exceed the height limitations set forth in Chapter 113.

**SECTION 3. EFFECTIVE DATE:** This ordinance shall take effect from and after its passage and shall remain in effect until the date of the adoption of the official controls contemplated hereunder or for one year from the date of the enactment of this ordinance whichever occurs first.

Adopted by the City Council of Falcon Heights, Minnesota, this 24th day of June, 2015.

Moved by:

Approved by: \_\_\_\_\_  
Peter Lindstrom  
Mayor

LINDSTROM \_\_\_\_\_ In Favor  
BROWN THUNDER \_\_\_\_\_  
HARRIS \_\_\_\_\_ Against  
LONG \_\_\_\_\_  
MERCER-TAYLOR \_\_\_\_\_

Attested by: \_\_\_\_\_  
Sack Thongvanh  
City Administrator



Dear Commissioners:

Please tolerate my handwritten annotations. It reduces the consultant's time if I minimize how many times he rewrites the draft for our review.

Thanks,

  
Susan

4-A

Draft 4

PART 8 "B-1" NEIGHBORHOOD CONVENIENCE BUSINESS DISTRICT

9-8.01 "B-1" Neighborhood Convenience Business District

Subdivision 1. Purpose and Intent. The purpose of ~~these~~ the Neighborhood Convenience Business District is to provide for small scale consumer goods stores and limited service establishments which deal directly with the customer by whom the goods and services are consumed. ~~They are~~ The District is primarily intended to serve the surrounding neighborhood rather than the entire community.

Subdivision 2. Permitted Uses. No structure or land shall be used except for the following specific uses (SIC = Standard Industrial Classifications from the Office of Management and Budget, SIC Manual, 1987):

- a. Barber shops (SIC 724) except barber colleges.
- b. Beauty shops (SIC 723) but excluding cosmetology schools and therapeutic massage.
- c. Convenience grocery stores (SIC 5411) excluding motor fuel facilities.
- d. Drug stores/pharmacies (SIC 5912).
- e. Dry cleaning and laundry pickup stations including incidental pressing and repair (SIC 7212).
- f. Florists (SIC 5992).
- g. Laundromats - self serve (SIC 7215).
- h. Medical and dental offices and clinics (SIC 801-804).
- i. Offices, business and professional.
- j. Other small miscellaneous retail shopping goods stores (excluding repair and service) having a maximum floor area of 1,000 square feet which sell food, apparel and ~~a variety of~~ small specialty shopping goods including ~~establishments such as~~ antique, sporting goods, book, stationary, jewelry, camera, novelty and optical stores (SIC 594) and small coffee shops.

↓  
coffee shop is a  
cafe or restaurant

B3J FLORAL

One Hour Martinizing

Tratcher Clinic

Super America

Hamline/Hoyt Auto Repair

Lumberg Shopping Center

cafes and restaurants but excluding <sup>stores that sell</sup> ~~ammunition, firearms,~~ adult uses, ~~used or~~ secondhand merchandise ~~stores and pawn~~ shops.

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

Hamline/HMT Auto Body  
753 - ←  
included body shops?  
tire retreading

a. Automobile repair establishments (SIC 753) subject to the following conditions:

7533 7538  
7537

1. The use is existing as of the date of adoption of this amendment,
2. The structure and use shall not be expanded without City Council approval,
3. Any change in use shall be to ~~the same or~~ another B-3 permitted or conditional use,
4. No more than five (5) cars shall be parked outdoors overnight at any one time ~~and cars shall be parked in an orderly fashion.~~
5. There shall be no outdoor storage of supplies, materials or trash, and
6. Trash containers and parking areas shall be screened from view from residential areas to the maximum degree practicable in consultation with City Officials and upon approval by the City Council after review by the Planning Commission ~~a minimum height of six (6) feet by a year around 80% opaque landscaped or masonry buffer.~~

b. Child Care facilities and nursery schools subject to licensing by the State of Minnesota.

c. Motor fuel stations as an integral part of a convenience store located at the corner of ~~two major streets~~ <sup>minor arterial and collector streets</sup> as defined by the Comprehensive Plan (arterials or collectors).

SUPERAMERICA ←  
(eliminates possibility at B&J Floral site)

Subdivision 4. Permitted Accessory Uses. The following uses shall be permitted accessory uses:

a. Off-street parking and loading, signs, fences, and decorative landscape features as regulated herein.

b. Temporary construction buildings (approved by Zoning Administrator).

c. Accessory structures other than private garages as regulated herein. The design <sup>city</sup> and placement, of the accessory buildings must be approved by the Council as being in harmony with the surrounding Neighborhood Convenience business district, after review and recommendation by the Planning Commission. <sup>and screening and size</sup>

d. Essential service structures, provided no building shall be located within thirty (30) feet of an abutting lot in an "R" District. The placement of the essential service structure must be approved by the Council as being in harmony with the surrounding Neighborhood Convenience business district after review and recommendation by the Planning Commission. <sup>and neighborhood</sup>

e. Public telephone booths or drive-up <sup>service</sup>. The placement of the telephone booth or drive-up must be approved by the Council as being in harmony with the surrounding Neighborhood Convenience business district after review and recommendation by the Planning Commission. <sup>city</sup>

f. Other as deemed normal, customary, and incidental to the principal use as approved by the Zoning Administrator.

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

- a. Minimum Lot Area 10,000 square feet
- b. Maximum Building Height (3) stories or (35) feet <sup>1)</sup>
- c. Minimum Lot Width 90 feet
- d. Maximum Building/Use Size 5,000 square feet <sup>2)</sup>
- e. Minimum Yard Requirements:
  - 1) Front 30 feet
  - 2) Side 10 feet <sup>3)</sup>
  - 3) Rear 20 feet

1) Except as provided by 9-2.07 of this Code.  
 2) Except where otherwise noted in Section 9-8.01 Subd. 2j.  
 3) ~~A side yard 30 feet if abutting a street or "R" District shall not be less than 30 feet in width.~~

(Typical "new one story center is 16 feet to 20 feet w. facade decoration.)

2 stories or a maximum of 24 feet

(Adjacent to neighborhoods w. a maximum of 24 feet. Small lots would not accommodate a 3 story use.)

Can get a conditional use permit for higher than 24 feet.)

PART 9 "B-2" LIMITED BUSINESS DISTRICT

9-9.01 "B-2" Limited Business District

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 specifically listed, Limited Business Districts ~~are~~ <sup>is</sup> not intended to accommodate retail or wholesale businesses.

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

- a. Banks and financial institutions, except drive-ins.
- b. Medical offices and clinics.
- c. Offices, business and professional.
- d. Publicly owned and operated buildings and uses provided there shall be no <sup>unscreened</sup> outdoor storage of materials, supplies or equipment or trucks exceeding a capacity of one and one-half (1 1/2) tons.

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

- a. Bank drive-in facilities.
- b. Churches.
- c. Colleges and academies.
- d. Child Care facilities and nursery schools subject to licensing by the State of Minnesota.
- e. Funeral homes and mortuaries.
- f. Garden supply and garden wholesale stores.

HERMES  
GUARDIAN PHOTO  
HEWLETT PACKARD  
STRATFORD COMMERCIAL (2)  
CITY HALL

city requires some outdoor storage for public works - working on reducing & improving what is there.

g. 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, ~~as regulated in Part 8.~~

h. Historical buildings, museums, art institutes and galleries, playhouses.

i. Radio and television broadcasting and cable television studios (SIC 483 and 484) excluding external antenna systems.

j. Research centers and laboratories excluding medical waste processing facilities.

k. Schools or studios for dance, music, art, photography or interior design.

l. Veterinary clinics *with no animal boarding.*

Subdivision 4. Permitted Accessory Uses. Any use permitted in Part 8 Subdivision 4 as regulated herein.

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

~~a. No structure or building shall exceed three (3) stories or thirty five (35) feet in height, whichever is higher except as provided in 9 2.07 of this Code.~~

~~b. A side yard abutting on a street shall not be less than thirty (30) feet and when abutting a lot in an "R" district shall not be less than thirty (30) feet.~~

~~c. The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth in this Section and in 9 2.03.~~

Lot Width	Lot Area	Front Yard	Side Yard	Rear Yard
90'	12,500 sq ft	30'	10' or 1/2 the height of the building, whichever is greater	20'

Maximum lot coverage by structures or paved surfaces of any type is 75%.

Subdivision 5. Lot Area, Width and Yard Requirements. 1)

- a. Minimum Lot Area 12,500 square feet
- b. Maximum Building Height 3 stories or 35 feet 2)
- c. Minimum Lot Width 90 feet
- d. Minimum Yard Requirements:
  - 1) Front 30 feet
  - 2) Side 10 feet 3)
  - 3) Rear 20 feet
- e. Maximum hard surface lot coverage 75% 4)

2 story  
with 24 foot maximum;  
3 stories or 35 feet maximum with  
a conditional use permit or  
PUD.



1) Subject to additional requirements, exceptions and modifications as set forth in this Section and in 9-2.03.  
 2) Except as provided by 9-2.07 of this Code.  
 3) 30 feet if abutting a street or "R" District.  
 4) Including the total area of roofs, driveways, parking lots, sidewalks and similar impermeable surfaces.

PART 10 "B-3" SNELLING/LARPENTEUR BUSINESS DISTRICT

9-10.01 "B-3" Snelling/Larpenteur Business District

- BULLSEYE CENTER
- FALCON CENTER
- NUKETHOME CENTER
- PIZZA HUT
- DINDS
- EMBERS
- CIATTIS
- BUCKS
- HARVEST STATES

Subdivision 1. Purpose and Intent. The district is intended to apply only to the four quadrants of the Larpenteur and Snelling intersection. ~~It is a district that is primarily~~ intended to accommodate retail, business services and offices and public uses which are integral parts of a shopping center or are clustered to function as an integrated center where parking can be shared. The district is primarily for retail uses which sell goods and services directly to the consumer and complement each other to enhance the business environment.

Subdivision 2. Permitted Uses. No structure or land shall be used except for the following uses (SIC = Standard Industrial Classifications from the Office of Management and Budget, SIC Manual, 1987):

- a. Auto <sup>parts and accessory stores.</sup> supply stores (SIC 553).
- b. Apparel and accessory stores (SIC 56).
- c. Beauty and barbershops (SIC 723 & 724).
- d. Computer programming and data processing services (SIC 737).
- e. ~~Diaper and laundry services provided not more than six employees are employed on the premises at one time (SIC 7219).~~
- e. Eating establishments (SIC 5812) but not including drive ins
- f. Finance and insurance establishments excluding check cashing agencies (SIC 60-64).
- g. Food stores (SIC 54) excluding the outdoor sales of produce, meat and seafood and excluding fruit and vegetable markets.
- h. General merchandise stores (SIC 53) excluding second hand or used merchandise stores or pawn shops,
- i. Hardware stores (SIC 5251).
- j. Home furnishing, appliance and equipment stores (SIC 57) excluding second hand or used merchandise stores.
- k. Laundry (family), laundromat and dry cleaning establishments (SIC 7212, 7215 and 7219).
- l. Mailing, reproduction, commercial art, photography and stenographic services (SIC 733).
- m. Medical and dental offices and clinics (SIC 801-804).
- n. Miscellaneous retail establishments (SIC 59) including antique stores excluding used merchandise stores (SIC 593), fuel dealers (SIC 598), nonstore

SIC 553  
Too broad -  
included installation  
of air conditioning  
etc.

B-3 uses under  
MORATORIUM for further study:

- Second hand stores
- Pawn shops
- Adult uses
- Pool halls
- Video ? game Arcade
- Stores that sell firearms or ammunition
- Check cashing facilities
- Therapeutic massage

Some or all may be permitted or conditional uses after study is completed, and appropriate ordinances are adopted.

captures lots of uses here 7



retailers (SIC 596), ~~pet shops~~, adult book stores and ammunition and firearms stores

→ previous metal dealers

o. Motion picture theaters (SIC 7832) excluding adult theaters.

p. Offices, business and professional.

q. Office supply and art supply stores, retail.

r. Paint and wallpaper stores, retail (SIC 523).

s. Personal service establishments, ~~(SIC 729) including~~ <sup>miscellaneous, as follows:</sup> ~~massage parlors and saunas for therapeutic or health purposes but excluding and adult use facilities.~~

t. Physical fitness facilities and health clubs (SIC 7991).

u. Printing and duplicating shops provided not more than six employees are employed on the premises at one time (SIC 7334).

v. Public and essential service uses.

~~x. Radio and television broadcasting and cable television studios (SIC 483 & 484).~~

w. Schools and studios for art, photography (SIC 722), dance (SIC 791), music and interior design.

x. Video rental stores (SIC 784) excluding adult videos.

Subdivision 3. Conditional Uses. The following uses are permitted subject to the issuance of a CUP.

a. Animal grooming and pet stores provided there shall be no boarding of animals on the site.

b. Basement <sup>that</sup> storage of goods not sold on the premises provided the space is completely finished and ready for use, is sprinklered, has elevator access, provides two pedestrian accesses, has an existing loading dock or area that does not conflict with adjacent residential areas, and is approved by the City Fire Marshall.

→ an entry to businesses

SIC 729 TOO BROAD  
← tax return preparation services, diet centers, costume, dress suit rental, photography

c. Car washes which are ~~incidental~~ accessory to the principal use and meet the ~~standards of Section 9-14.01 (14)~~ requirements for service stations, Section 9-14.01, Subdivision 17.

d. Child care and nursery school facilities subject to licensing by the State of Minnesota.

e. Charitable gambling establishments as a principal use in accordance with the City's licensing requirements, Section 3 of the City Code.   
Chapter 5 } Subdivision e

f. Custom manufacturing of hand made goods that are sold on the premises provided the manufacturing operation is incidental to a retail operation.

g. Drinking establishments, bars and taverns (SIC 5813) subject to the City's licensing requirements, Section 3, of the City Code.   
Chapter 5 } Subdivision e

~~g. Drive-in establishments subject to the performance standards Section 9-14.01 (14) of this code.~~

h. Hotels and motels by PUD (SIC 701).

i. Motor fuel or service stations subject to the design and performance standards as specified in Section 9-14.01, Subdivision 17 of this code.

j. Multi-family housing by Planned Unit Development.

k. Satellite communications dishes as an accessory use (SIC 4899).

~~l. Video or game arcades (SIC 7993).~~

l. Veterinarian <sup>with</sup> clinics provided there shall be no boarding of animals on the site and no external runs.

Car wash covered in section on service station and drive in service covered in permitted accessory use

Subdivision 4. Permitted Accessory Uses. Any use permitted in Part 8 Subdivision 4 and as regulated therein. The following additional uses shall also be permitted accessory uses.

Subdivision 5. Building Height and Yard Requirements.

2 stories or 24 feet  
3 stories maximum with a  
conditional use permit or PUD

←

a. Maximum Building Height	(3) stories or (35) feet <sup>1)</sup>
b. Minimum Yard Requirements:	
1) Front	30 feet
2) Side	10 feet <sup>2)</sup>
3) Rear	20 feet <sup>3)</sup>

- <sup>1)</sup> Except as provided for in 9-2.07.  
<sup>2)</sup> 30 feet if abutting a street and 40 feet if abutting an "R" District.  
No side yard shall be required for a party wall subject to 9-2.05.  
<sup>3)</sup> 10 feet if abutting an alley.

PART 9 "B-1-A" LIMITED BUSINESS AND PROCESSING DISTRICT (repeal)

PART 11 "EB" EXISTING BUSINESS DISTRICT (repeal)

PART 14, SUBD 14, DRIVE-IN BUSINESS (repeal)

Delete

DEFINITIONS

Adult Uses: Adult uses include adult bookstores, adult motion picture theaters, adult motion picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public.

Adult Use Establishments: Establishments where 20 percent or more of the area of the use, structure or operation involves adult uses.

PLANNING COMMISSION  
MEETING DATE: 6/28/93  
AGENDA ITEM: 5

ITEM DESCRIPTION: Schedule public hearing on the proposed commercial zoning code.

SUBMITTED BY: Susan Hoyt, City Administrator

EXPLANATION/DESCRIPTION:

Prior to recommending the proposed zoning code changes to the city council, the commission is required to hold a public hearing. Staff recommends scheduling it for the July 26 meeting to keep this on schedule. After the public hearing, the commission may make additional revision.

Prior to the public hearing staff will:

1. Place a legal notice in the Focus
2. Notify all affected property owners within the commercial zones and within 350 feet of a commercial zone
3. Provide a brief summary of the revisions to adjacent property owners
4. Provide commercial property owners with the revised code and explain that the moratorium will remain only on specifically identified uses, after the revised code is adopted.

ACTION REQUESTED:

Schedule public hearing for on or about 7:30 p.m. on July 26, 1993

**PLANNING COMMISSION AGENDA**  
**July 26, 1993**  
**7:30 p.m.**

**ROLL CALL:** Kay Andrews \_\_\_ Lee Barry \_\_\_ Len Boche \_\_\_  
Steve Huso \_\_\_ Paul Kuettel \_\_\_ Lisa Lampi \_\_\_  
Ken Salzberg \_\_\_

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**  
May 24, 1993 regular meeting  
June 7, 1993 special meeting  
June 28, 1993 regular meeting
3. **CITY COUNCIL MINUTES**
4. **Request for a variance of two feet in the required five foot sideyard setback for 1731 Pascal Street in an R-1 zone Chapter 9 - Section 2.04 Subdivision 1 (d) of the zoning code**
5. **Public hearing and proposed adoption of the proposed revisions in the city's commercial zoning code**
6. **Public hearing and consideration of revisions to the commercial development moratorium Chapter 5 Section 5.02 Development Restrictions and Applicability**
7. **ANNOUNCEMENTS/INFORMATION**
8. **ADJOURN**

**ITEM:** Public Hearing and proposed adoption of the proposed revisions in the city's commercial zoning code

**SUBMITTED BY:** Planning Commission

**REVIEWED BY:** Planning Commission (previous draft)  
Susan Hoyt, City Administrator  
Fred Hoisington, Consulting Planner  
Peter Bachman, City Attorney

**1. Replace (see accompanying map):**

- Chapter 9 Section 8.01
  - B - 1 Limited Business District with
  - B - 1 Neighborhood Convenience District**
- Chapter 9 Section 9.01
  - B - 1- A Limited Business and Processing District with
  - B - 2 Limited Business District**
- Chapter 9 Section 10.01
  - B - 2 Retail Business District with
  - B - 3 Snelling and Larpenteur Business District**

**2. Related code revisions:**

- **Repeal:** Chapter 9 Section 11.01 - Existing Business District
- **Revise:** Chapter 9 Section 2.07 Subdivision 1 Height Limitations to read:
  - **Any structural height that exceeds the zoning code must have a conditional use permit.**
  - Eliminate Subdivision 1 (a) Residential zones (maximum heights are listed here)
  - Re-letter Subdivision 1 (b) Exempt to Subdivision 1 (a)

## EXPLANATION/DESCRIPTION:

In 1991 after a year of community meetings and research, the city adopted a comprehensive plan. In the fall of 1992 the planning commission with the assistance of Fred Hoisington, planning consultant, began to review and revise the city's commercial zoning code 1) to meet the guidelines of the comprehensive plan, 2) to streamline the commercial zoning code, and 3) to update the commercial zoning code to reflect current and future needs.

In February the staff and the planning commissioners met with individual business owners about the proposed revisions. Copies of the early drafts were distributed at that time. Over the past six months the commission revised the proposed commercial zoning code. The results of that work are in the proposed codes that the commission is holding a public hearing on tonight.

All commercial property owners and neighboring properties within 350 of a commercial zone were notified of the proposed commercial zoning code revisions. All commercial property owners received a copy of the draft code section that applies to their property.

Mr. Barney Uhlig of Ciatti's and Mr. Henry Krystal of Ember's contacted staff about the proposed commercial zoning changes and indicated they had no problems with the changes. Their businesses remain permitted uses within the Snelling Larpenteur District. Staff also spoke with Bob Boyson, property manager of Bullseye, Joyce Gimmetstad of B & J Floral and Steve Horazdowsky of the Hoyt Hamline Service Station. They had no specific concerns. Mr. Wehman, property owner of Northome, requested that the commission favorably consider several uses currently covered by the moratorium including antique jewelry stores, coin dealers (precious metal dealers) and used jewelry sales when the additional studies are completed.

Staff also spoke with Don Hermes of Hermes Floral and Dave Rosen of Hewlett Packard. Jim Warner of Falcon Center will be contacted before the meeting.

## ORDER OF BUSINESS:

1. Planning consultant summary of the proposed changes.
2. Questions to the consultant from the commission.
3. Open public hearing to receive public comments and questions.
4. Close public hearing.

5. Discuss the proposed commercial rezoning.
6. Take action on the proposed commercial rezoning with the associated minor code revisions.

**ATTACHMENTS:**

A - Proposed commercial zone map

B - Ordinance revision

C - Chapter 9 - Sections 8.01, 9.01, 10.01, 11.01 and 2.07