

Front Desk Public Copy
Please do not remove.

City of Falcon Heights Planning Commission

City Hall
2077 W. Larpenteur Avenue

November 27, 2012
7:00 p.m.

A G E N D A

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: Black ___ Brown ___ Fite ___ Gustafson ___
Minns ___ Noble ___ Wartick ___
Council Liaison Harris ___
City Administrator Fischer ___ Staff Liaison Jones ___
City Attorney ___
- C. Approval of the minutes for July, 2012
- D. INFORMATION AND ANNOUNCEMENTS
- E. ADJOURN to workshop

WORKSHOP AGENDA

This workshop is open to the public.

1. **Workshop: Special Events, continued**
The Commission will review a preliminary rough draft of an ordinance that would amend the City Code to allow by special permit certain types of public outdoor events hosted by local businesses. After this final workshop, the preliminary draft will be sent to the City Attorney for review and a formal draft which the Commission will present for public hearing early in 2013.

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
July 24, 2012**

PRESENT: Commissioners Black, Brown, Fite, Gustafson, Wartick, Council Member Harris, Staff Liaison Jones.

ABSENT: With notice, Commissioners Minns and Noble

The meeting was called to order at 7:00 p.m. by the Chair, Commissioner Black, who noted that a quorum was present. The minutes for June 26, 2012, were approved.

Stormwater and erosion control plan for rebuilding TIES west parking lot

Staff Liaison Jones introduced the stormwater management plan for the renovation of the west parking lot at TIES. The parking lot now serves as parking for the conference center and overflow general parking as well as parking during State Fair. The old firehouse/village hall has been demolished and the parking lot is to undergo a complete reconstruction. Chapter 107 of the city code requires Planning Commission and City Council approval of a stormwater plan for a project of this magnitude.

The proposed plan adds significant pervious landscaped surface to hold stormwater runoff, and the plan does meet all city zoning and stormwater requirements, as well as ADA requirements. The plan was approved by the watershed district and the state pollution control agency. Plans were reviewed extensively by the city engineer and public works director, who determined that all requirements were met. The parking lot is expected to be ready by State Fair time.

Gustafson moved, Fite seconded, to recommend approval of the stormwater and erosion control plans. Approval was unanimous. Due to the tight timetable of this project, the matter will go to the Council tomorrow night.

Information and Announcements

Councilmember Harris reminded the audience of the ice cream social coming up Thursday, July 26. Night to Unite is coming up August 7. The Citywide Garage Sale is September 15; sign-ups will commence in mid-August. The date for the neighborhood clean-up has not been confirmed yet. Jones announced that there will probably be household hazardous waste collection available on the fairground in September, details to be announced.

ADJOURNMENT: The meeting was adjourned at 7:22 p.m. to workshop on a possible special event ordinance and a proposed prairie grass ordinance.

Respectfully submitted,

Deborah Jones, Staff Liaison

Planning Commission Workshop: Special Events

The purpose of the workshop was to decide how to proceed on this matter. Commissioners were in agreement that they need input from (a) the businesses who want to have special events and (b) from the residents who will be affected by future events.

After considerable discussion, Commissioners decided they would like to invite businesses to come describe the kinds of events they want to host. They requested staff to send out an invitation to all the city businesses, not just the ones who have already come forward, to an informal forum at a future workshop. Business owners will be asked to RSVP so use of time can be planned. The date was set for September as the staff liaison will be out of town on the date of the August meeting.

After the Commission finds out what kinds of events they would be looking at, they will be planning some kind of information gathering from residents. There was no specific consensus on the plan and timing for this phase. Whether that would be a written survey, a meeting, a web poll or some combination of methods will be determined after the businesses have been heard from. The formal public hearing might be sufficient, depending on the complexity of the ordinance needed. The goal will be to move to an ordinance draft for public hearing early in the new year.

Due to the late hour, the prairie garden topic was postponed again, with apologies.

**City of Falcon Heights Planning Commission
Minutes of the Planning Commission Workshop: Special Event Ordinance
October 23, 2012**

Commissioners met for the workshop at 7:00 p.m. All Commissioners were present, as well as Planning Director Jones. Councilmember Harris was absent.

The purpose of the workshop was to discuss the broad shape and goals of an ordinance that could serve the needs of the businesses that met with the Commission in September while ensuring that any negative impacts on adjacent neighborhoods would be minimized. The following summary is condensed from a lengthy and detailed discussion.

Commissioners expressed their appreciation for the presence of representatives from the Coffee Grounds, Stout's Pub and Dinos last month and for all the information they shared and the discussion. These were the only businesses that came forward, and they were all interested in similar types of events:

- Outdoor food service, probably under a tent (extension of what the businesses already do within their establishments, not a "new" use)
- "Family friendly"
- Occasional – once a year (Dino's) to four or five times a year (Coffee Grounds)
- Weekend only, including Friday night
- Outdoor music, amplified
- Possible service of alcohol

Commissioners had indicated from the beginning of these discussions that they favored some kind of special permitting as opposed to making this use generally permitted or an accessory use. They were provided this evening with sample ordinances from cities which allow special events by some kind of administrative permit or special permit: the City of Medina, City of North St. Paul, City of Plymouth, City of Roseville, and the City of Savage.

The discussion began with a "big picture" look at the issues and the process. At this point, Commissioners felt that if a good ordinance could be crafted that "fits" then the public hearing for that ordinance would be ample opportunity to take public input. It would give residents something concrete to react to, rather than a lot of amorphous "what ifs."

Commissioners concluded that they could define this evening the general shape of what would be needed, hold one more workshop on a preliminary (November), and then turn it over to the City Attorney to create a formal draft. If all goes well, the public hearing could be held in January or February. This would give the Commission and Council time to act and have something in place by May, when summer event permits would have to be applied for (assuming a 30-days-in-advance policy is adopted).

There remained considerable concern about noise and parking. The businesses concerned are so close to residential properties that there is bound to be disruption to neighbors. Yet, on limited occasions, a certain amount of disruption might be tolerable, especially if events are managed responsibly. The City could always refuse to approve future permits if the experience was bad and caused a lot of complaint. Commissioners acknowledged that they do not know how it would work out, but the consensus was to "try it."

The next step was to review model ordinances provided to see if one or more of them have elements that would suit the needs of Falcon Heights. After lengthy discussion, Commissioners settled on the North St. Paul model as the best general framework.

They liked the provision in the Medina ordinance that exempts from permit requirements any event attended by fewer than 200 people at one time that does not involve the sale of alcohol (this would cover most Coffee Grounds events), also events that are regulated by the city through the use of another ordinance. Private parties would always be exempt.

Commissioners favor the parking plan requirements of the Plymouth ordinance.

Commissioners want the following additional provisions:

- No special events allowed during the State Fair
- Each event no longer than 2 days
- 24 hours additional set-up time and 24 hours take-down time would be allowed
- No more than 3 permitted events per year, per business
- Events end by 9 p.m.
- Permit applicants must provide plans for parking, security, noise control, crowd control
- Provision for preventing event parking at neighboring businesses unless a written agreement is provided by the neighboring business (staff addition). The owners of Warner Stelian contacted staff before the meeting to express concern about this issue.

Some items might be provided for in administrative policy instead of the ordinance. The city attorney may have recommendations. Since Falcon Heights does not have any other used by special permit, this is going to have to be defined – which was done a few years ago for Interim Use Permits. That will be left to the city attorney, also the language connecting this ordinance up with other parts of the code, as necessary.

Commissioners will meet formally on November 27 (after Thanksgiving) for the official fourth quarter meeting, then adjourn to consider a rough draft from staff before sending this off to the city attorney.

The workshop adjourned at about 9:00 p.m.



The City That Soars!

REQUEST FOR PLANNING COMMISSION ACTION

Meeting Date	November 27, 2012
Agenda Item	Workshop
Title	Special Event Ordinance (Continued)
Submitted By	Deborah Jones, Staff Liaison

Description	The Commission has directed staff to put together a first preliminary draft of a possible special event ordinance from models reviewed in October and earlier workshops.
Background	<p>At the request of the City Council, the Planning Commission has been studying the possibility of creating an ordinance to allow certain events by special permit. Stout's Pub, Dino's and the Coffee Grounds were represented at a September 25 workshop, when they outlined their event ideas and proposals in detail for the Commission. Commissioners' consensus was to move forward with a draft ordinance and take input from the community at the hearing stage.</p> <p>Sample ordinances from other cities have been reviewed in the course of this study. Ordinances from the cities of North St. Paul, Plymouth and Medina have been used to construct this rough draft, based on the Planning Commission's discussions in the October 24 workshop. The Planning Commission will make further revisions and direct staff to forward the result to the City Attorney for appropriate changes, additions and reformatting, if appropriate.</p>
Budget Impact	None at this time
Attachment(s)	<ul style="list-style-type: none"> • Preliminary draft ordinance. As this draft is put together from several models, it is in very rough form. It is expected that the final draft will display substantial revision. • Staff recommends that Commissioners bring the materials that have been distributed in earlier workshop packets on this topic for reference, especially the model ordinances provide in October. Please let staff know if new paper copies are needed.
Action(s) Requested	Review the draft ordinance and discuss. Advise staff on changes recommended by the Commission. Determine next steps.

City of Falcon Heights Planning Commission
Planning Commission Workshop, November 27, 2012
Special Event Ordinance: A Preliminary Draft (incorporating elements chosen in workshop
on October 23, 2012)

KEY

City of North St. Paul – Arial font
City of Medina – Calibri font
City of Plymouth – Courier Font
Falcon Heights additions and changes – Times New Roman font
Comments in italic

Section

122.01 Purpose and intent
122.02 Definitions
122.03 Permit required
122.04 Requirements for issuance of a permit
122.05 Application procedures
122.06 Fees
122.07 Granting a permit
122.08 Denial of permit
122.09 Transferability
122.10 Enforcement and penalties
122.11 Revocation of permit
122.12 Special event vendors

§ 122.01 PURPOSE AND INTENT.

The purpose of this chapter is to promote the orderly, compatible and safe use of property for temporary special events and to assure adequate provision of parking, traffic, sanitary facilities, utilities, peace and tranquility of residential neighborhoods and safety services.

§ 122.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. Any individual, partnership, corporation, association, society or group seeking and/or receiving a special event permit from the city.

OUTDOOR. Activity conducted outside of a permanent structure or building.

PERMIT. A permit issued by the city to allow a special event.

PERSON. Any person, association, partnership, firm, business trust, corporation or company.

SPECIAL EVENT. Any temporary, outdoor privately-sponsored event open to the general public and held on ~~public or~~ privately owned property. *(What about public events in the park, not city-sponsored, e.g. a 5k race?)*

SPECIAL EVENT shall not apply to the following:

(1) Any permanent place of worship, stadium, athletic field, arena, theatre, auditorium, ~~or fairs conducted pursuant to M.S. Chapter 38.~~

(1a *RENUMBER*) Any event conducted on the campus of the University of Minnesota or the grounds of the Minnesota State Fair.

(2) Special events or activities ~~permitted or~~ permitted by other state laws or regulations of the City of Falcon Heights, including publicly-sponsored activities in the local park system and any other established special event operating prior to adoption of this chapter *(section?)*.

(3) Family gatherings, including family reunions, graduation parties, baptisms, confirmations, weddings, wedding receptions, funerals, funeral processions and the like.

(4) Garage sales and residential boutique sales as regulated in Section 113-174.

(5) Events such as but not limited to ~~National Night Out established through the City of North St. Paul~~ block parties and neighborhood meetings. *(Additions to this?)*

SPECIAL SERVICES. The exclusive allocation of city resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by city staff in order to maintain public safety. Special Services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection;

stationing emergency vehicles at or in the immediate vicinity of the event; exclusive use of city streets as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any city building, equipment or other property for any purpose other than the normal daily operations of the city; or the city otherwise providing exclusive services.

§ 122.03 PERMIT REQUIRED; EXCEPTIONS.

(Subdivision 1) No person on or after the effective date of this chapter shall conduct or allow to be conducted any special event as defined in this chapter without first obtaining a special event permit.

(Subdivision 2) No special event may be scheduled during the Minnesota State Fair or for one week prior and one week following the Minnesota State Fair.

(Subdivision 3) The following are exempt from the permit requirements:

- a) ~~Wedding ceremonies and receptions, funeral ceremonies and funeral processions;~~ *(covered above)*
- b) Any event attended by fewer than 200 persons at one time which does not require any Special Services and does not involve the sale of alcohol;
- c) Any event that is otherwise regulated by the city through the use of another regulatory manner, such as an interim use permit or conditional use permit; and
- d) 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. *(Do we need this, or should it be provided for in the "not a special event" category? Ask legal advice?)*

§ 122.04 REQUIREMENTS FOR ISSUANCE OF A PERMIT.

The following standards shall apply to all special events:

(A) Maximum number of people. The permittee shall not sell tickets to nor permit attendance at the permit location of more than the maximum number of people stated in the special event permit.

(B) Sound equipment. Sound producing equipment, including but not limited to public address systems, radios, phonographs, musical instruments and other recording devices, shall not be operation on the premises of the special event so as to be unreasonably loud or be a nuisance or disturbance to thepeace and tranquility of the citizens of ~~North St. Paul~~ Falcon Heights. *(Should we have a curfew for amplified sound in this section? 9 p.m.?)*

(C) Sanitary facilities. In accordance with Minnesota State Board of Health regulations and standards and local specifications, adequate sanitary facilities must be provided which are sufficient to accommodate the projected number of person expected to attend the event.

(D) Security. The permittee shall employ at his or her own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of persons in attendance at the special event and for the preservation of order and protection of property in and around the event site. No permit shall be issued unless the city's Chief of Police is satisfied that such necessary and sufficient security personnel will be provided by the permittee for the duration of the event.

(E) Food service. If food service is made available on the premises, it shall be delivered only through concessions permitted by the Ramsey County Health Department.

(F) Fire protection. The permittee shall, at his or her own expense, take adequate steps to insure fire protection as determined by the City of ~~North St. Paul~~ Falcon Heights Fire Chief.

(G) Duration of special event. The permittee shall operate the special event only on those days and during the hours specified on the permit. Setting up for the event may commence nor more than 24 hours before the time and date specified on the permit. All structures, equipment, displays and refuse must be removed within 24 hours of the end time and date specified on the permit. *(except for 24 hour limit, based on Plymouth)*

(H) Cleanup plan. The special event applicant is responsible for clean up. Any clean up required by the city may be charged to the applicant. Any city service that requires overtime will be at the expense of the applicant.

(I) Waiver. The City Council may grant a waiver from the requirements of this chapter in any particular case where the applicant can show that strict compliance with this chapter would cause exceptional and undue hardship by reason of the nature of the special event or by reason of the fact that the circumstances make the requirement of this chapter unnecessary. Such waiver must be granted without detriment to the public health, safety or welfare and without impairing the intent and purpose of these regulations.

(J) Insurance. Before the issuance of a permit, the permittee shall obtain public liability insurance and property damage insurance with limits determined by the City Manager Administrator. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit. Evidence of insurance shall include an endorsement to the effect that the insurance company will notify the City Clerk in writing at least ten days before the expiration or cancellation of the insurance.

(K) Miscellaneous. Prior to the issuance of a permit, the City Council Administrator may impose any other conditions reasonably calculated to protect the health, safety and welfare of persons attendant or of the citizens of the City of ~~North St. Paul~~ Falcon Heights.

Hours: Add provision to end by 9 p.m.? Or leave this under staff discretion?

§ 122.05 APPLICATION PROCEDURES.

A written application for a special event permit shall be filed on forms provided by the city with the City Manager Clerk not less than 30 days before the date proposed for holding the special event. The written application shall be signed by the person, persons, or parties conducting the event and shall be accompanied by the fee payable hereunder. Upon submission of an application for a special event permit, City Staff will review the request and advise the applicant of the need for additional information, if any.

§ 122.06 FEES.

The fee for a special event license shall be as established by the City Council.

§ 122.07 GRANTING A PERMIT. *(DO WE NEED THIS? ALL OR PART? COUNCIL OR STAFF?)*

The City Council, in its sole discretion, reserves the right to review and determine whether or not a request for a special event and/or street closing is acceptable. It is the stated purpose of the City Council that all such special events and/or street closing shall be for family-friendly activities only. Special event activities must be inclusive of events and activities for both adults and children. In the event the City Council determines the activity does not meet these criteria, such application shall be denied.

§ 122.08 DENIAL OF PERMIT. *(See Medina version. Should this be staff, with appeal to Council?)*

The City Council shall have the right to deny the permit if, in the judgment of the City Council, the granting of a license would adversely affect the safety, health and welfare of the citizens of North St. Paul. The applicant shall be notified of such denial and may appear before the City Council to appeal such denial.

§ 122.09 TRANSFERABILITY.

No permit granted under this chapter shall be transferred to any other person or place without consent of the City Council, upon written application made therefore.

§ 122.10 ENFORCEMENT AND PENALTIES.

(A) The Police Department and other such officers, employees, or agents as the City Council or City ~~Manager~~ Administrator may designate, shall enforce the provisions of this chapter.

(B) The holding of a special event in violation of any provision of this chapter shall be deemed a public nuisance and may be abated as such.

(C) Any person violation any provision of this chapter is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in Minnesota Statutes.

§ 122.11 REVOCATION OF PERMIT.

The permit for a special event may be revoked by the City Council or City Administrator (?) at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with or if any of the provisions of this chapter are violated.

Medina version:

A Special Event permit may be revoked by the city at any time for failure to comply with the provisions of this section and conditions of the permit.

Additional elements to insert where appropriate

From City of Plymouth. *Commissioners should carefully review the parking sections especially.*

(e) General Standards applying to all temporary events and outdoor sales.

(1) The event or sale shall be accessory to or promoting the permitted or conditional use approved for the site.)

(2) Tents, stands, and other similar temporary structures may be used, provided they are clearly identified on the submitted plan and provided that it is determined by the Zoning Administrator that they will not impair the parking capacity, emergency access, or the safe and efficient movement of pedestrian and vehicular traffic on or off the site.

(3) The submitted plan shall clearly demonstrate that adequate off-street parking for the proposed event can and will be provided for the duration of the event. Determination of compliance with this requirement shall be made by the Zoning Administrator who shall consider the nature of the event and the applicable parking requirements of ~~Section 21155~~ *(substitute appropriate FH section)*. Consideration shall be given to the parking needs and requirements of other occupants in the case of multi-tenant buildings. Parking on public right-of-way and streets is prohibited; except that parking on local streets may be allowed on Saturday and Sunday only, provided that the petitioner arranges for traffic control by authorized enforcement officers, as approved in writing by the Police Chief, at the petitioner's expense.

If off-street parking on private property not owned by the applicant is to be used for the event, written approval from that property's owner must be submitted with the permit application.

(4) Signage related to the event or sale shall be in compliance with the temporary sign standards of Section 21155 and shall be allowed for the duration of the event. The Zoning Administrator may authorize special signage for purposes of traffic direction and control; the erection and removal of such signage shall be the responsibility of the applicant.

(5) The approved permit shall be displayed on the premises for the duration of the event.

(6) All activity related to the event or sale must take place within the time permitted in the administrative permit. No buildings, equipment or materials may be erected or displayed prior to the start date identified in the permit application and all structures, equipment and displays must be removed by the end date identified in the administrative permit.

(7) Not more than one (1) such event or sale shall be allowed per property at any given time.

(2) The event shall not exceed the period specified in the administrative permit and in no case shall exceed three (3) consecutive calendar days per event. *(Previous Commission discussion: 2 days plus the 24 hour set-up and 24 hour take-down)*

(3) There shall be no more than two (2) special events per calendar year per property. However, each tenant in a multi-tenant building shall be permitted one (1) special event per year. Multi-tenant buildings with less than five (5) lease-spaces shall be considered as a single property for purposes of this provision.

(Previous Commission Discussion: 3 events per year. Include the multi-tenant provision?)